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U.S. Army.

HEADQUARTERS, DEPARTMENT OF LOUISIANA,

GENERAL ORDERS }  
No. 1.

*New Orleans, La., August 4, 1868.*

I. In obedience to Paragraph 3, of General Orders No. 55, Headquarters of the Army, Adjutant General's Office, Washington, July 28, 1868, the command of the Fifth Military District—to consist of the State of Texas—is transferred to Brevet Major General J. J. Reynolds, commanding the District of Texas.

The records pertaining to the District of Texas will be transferred to the Headquarters of the new Fifth Military District.

II. Pursuant to Paragraph 4, of the above mentioned order, the States of Louisiana and Arkansas are organized into the Department of Louisiana, Headquarters at New Orleans.

The Sub-District of Arkansas, until further orders, will be known as the District of Arkansas, and will be commanded by the senior officer serving therein, Headquarters at Little Rock.

The commanding officer of the District of Arkansas, will immediately make the necessary returns of troops serving in his District, to these Headquarters. The Chiefs of the Staff Corps in his District will immediately report to the Chiefs of Staff of the Department of Louisiana, the amount and condition of the supplies on hand.

All stated reports and returns of the Districts of Louisiana and Arkansas, called for by the Revised Army Regulations, will hereafter be made to Headquarters Department of Louisiana.

BY COMMAND OF BREVET MAJOR GENERAL R. C. BUCHANAN:

**THOS. H. NEILL,**

Major, Twentieth Infantry, Brevet Brigadier General, U. S. A.

OFFICIAL:

Acting Assistant Adjutant General.

Sec. Lieut., Thirty-seventh Inf., Bvt. First Lieut., U. S. A.,  
Acting Assistant Adjutant General.

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HEADQUARTERS, DEPARTMENT OF LOUISIANA,

GENERAL ORDERS {  
No. 2.

*New Orleans, La., August 5, 1863.*

The following officers are announced as temporarily constituting the Staff of the General commanding the Department of Louisiana:

Captain I. D. DeRussy, First Infantry, Aide-de-Camp.

Captain Geo. Baldey, Thirty-ninth Infantry, Aide-de-Camp.

Brevet Brigadier General Thos. H. Neill, Major, Twentieth Infantry, Acting Assistant Adjutant General.

Brevet First Lieutenant Nathaniel Burbank, Second Lieutenant, Thirty-seventh Infantry, Acting Assistant Adjutant General.

Brevet Lieutenant Colonel G. N. Lieber, Major, U. S. Army, Judge Advocate.

Brevet Major B. B. Keeler, Captain, Thirty-ninth Infantry, Assistant Judge Advocate.

Brevet Brigadier General C. H. Tompkins, Lieutenant Colonel, Deputy Quartermaster General, U. S. Army, Chief Quartermaster.

Brevet Major General A. Beckwith, Major, and Commissary of Subsistence, U. S. Army, Chief Commissary.

Brevet Lieutenant Colonel J. F. Randolph, Surgeon, U. S. Army, Medical Director.

Captain Egon A. Koerper, Assistant Surgeon, U. S. Army, Attending Surgeon.

Colonel Daniel McClure, Assistant Paymaster General, U. S. Army, Chief Paymaster.

First Lieutenant William Hoeleke, Thirty-ninth Infantry, in charge of Engineer Office.

Major J. W. Todd, Ordnance Department, U. S. Army, Chief of Ordnance.

Brevet Captain P. H. Moroney, First Lieutenant, U. S. Army, (retired,) Commissary of Musters.

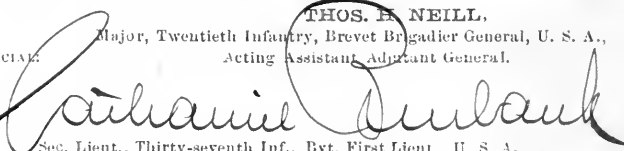
BY COMMAND OF BREVET MAJOR GENERAL R. C. BUCHANAN:

THOS. H. NEILL,

Major, Twentieth Infantry, Brevet Brigadier General, U. S. A.,

Acting Assistant Adjutant General.

OFFICIAL:

  
Sec. Lieut., Thirty-seventh Inf., Bvt. First Lieut., U. S. A.,  
Acting Assistant Adjutant General.





HEADQUARTERS, DEPARTMENT OF LOUISIANA,

GENERAL ORDERS }  
No. 3.

*New Orleans, La., Aug. 18, 1868.*

In order to carry out the instructions from the Secretary of War, relative to the assistance to be afforded by the troops on duty in this Department to the civil authorities, in case of domestic disturbances or insurrections arising therein, officers commanding districts, detachments and posts, will be governed by the following directions:

Every officer will keep himself well informed of the condition of affairs in his vicinity. Should a necessity arise which, in his opinion, would render the services of troops requisite, he will immediately communicate, by telegraph, with these Headquarters, stating the essential facts in the case, and asking for the necessary instructions for his government.

Under no circumstances will any interference of the military with the civil authorities be permitted; nor will the services of the troops be made use of unless upon special instructions, previously communicated, in each case, from these Headquarters.

BY COMMAND OF BREVET MAJOR GENERAL R. C. BUCHANAN:

**THOS. H. NEILL,**

Major, Twentieth Infantry, Brevet Brigadier General, U. S. A.,

OFFICIAL:

Acting Assistant Adjutant General.

Sec. Lieut., Thirty-seventh Inf., Bvt. First Lieut., U. S. A.,

Acting Assistant Adjutant General.



HEADQUARTERS, DEPARTMENT OF LOUISIANA,

GENERAL ORDERS }  
No. 4.

*New Orleans, La., Aug. 20, 1868.*

I. Before a General Court Martial which convened at Greenville, La., by virtue of Special Orders No. 157, current series, Headquarters, Fifth Military District, and of which Brevet Brigadier General W. M. Graham, Captain, First Artillery, is President, were arraigned and tried:

1. Private ADOLPH WEISSMAN, Company C, First Infantry.

CHARGE.—“Desertion.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To forfeit to the United States all pay and allowances, that are or may become due him; to be dishonorably discharged the service of the United States; to be indelibly marked with the letter ‘D,’ one and one-half inches in length, on his left hip; and three days thereafter to have his head shaved, and to be drummed out in the presence of his command, then to be confined at hard labor at such place as the Commanding General shall direct, for the period of five years, wearing a ball to weigh thirty pounds attached to his left leg by a chain three feet long.”

2. Private JOHN COSTELLO, Company F, First Infantry.

CHARGE.—“Violation of the Forty-fifth Article of War.”

PLEA.—“Not Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To be confined at hard labor in charge of the guard, for the period of three months; to carry a log weighing thirty pounds, each alternate day, from reveille until retreat, allowing one hour for each meal.”

3. Private JOHN McDERMOTT, Company H, First Infantry.

CHARGE.—“Conduct to the prejudice of good order and military discipline.”

PLEA.—“Not Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To be confined at hard labor at such place as the Commanding General may direct, for the period of six months, and to forfeit to the United States twelve dollars of his monthly pay for the same period.”

4. Private WILLIAM WELDON, Company B, First Infantry.

CHARGE.—“Neglect of duty, to the prejudice of good order and military discipline.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To forfeit to the United States ten dollars per month of his monthly pay for three months, and to be confined at hard labor under charge of the guard for the same period.”

5. Private THOMAS CONNELLY, Company B, First Infantry.

CHARGE.—“Violation of the Fiftieth Article of War.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To forfeit to the United States ten dollars of his monthly pay for two months, and to be confined at hard labor in charge of the guard for the same period.”

6. Sergeant GEORGE PORTMAN, Company K, First Infantry.

CHARGE 1ST.—“Neglect of duty, to the prejudice of good order and military discipline.”

CHARGE 2D.—“Breach of arrest, to the prejudice of good order and military discipline.”

PLEA.—*To the First Charge.*—“Not Guilty.”

*To the Second Charge.*—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To forfeit to the United States ten dollars per month of his monthly pay, for the period of six months; to be reduced to the ranks; to have his chevrons struck off in the presence of his command.”

7. Musician JAMES MCGUIRE, Company K, First Infantry.

CHARGE.—“Conduct prejudicial to good order and military discipline.”

PLEA.—“Not Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To be confined at hard labor in charge of the guard for the period of three months, forfeiting to the United States ten dollars of his monthly pay for the same period.”

8. Musician WILLIAM BUSHARD, U. S. Army Post Band.

CHARGE 1ST.—“Absence without leave.”

CHARGE 2D.—“Theft, to the prejudice of good order and military discipline.”

PLEA.—*To the First Charge.*—“Guilty.”

*To the Second Charge.*—“Not Guilty.”

FINDING.—*Of the First Charge.*—“Guilty.”

*Of the Second Charge.*—“Not Guilty.”

SENTENCE.—“To forfeit to the United States ten dollars of his monthly pay for two months.”

9. Private FREDERICK KLEIMSER, Company I, First Infantry.

CHARGE.—“Violation of the Forty-sixth Article of War.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To be confined at hard labor in charge of the guard for the period of six months, and to forfeit to the United States ten dollars of his monthly pay, per month, for the same period.”

10. Private FRANCIS A. RUMMELL, Company G, First Infantry.

CHARGE.—“Sleeping on post.”

PLEA.—“Not Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To forfeit to the United States ten dollars per month of his monthly pay for six months, and to be confined at hard labor under charge of the guard for the same period.”

11. Private JOHN W. COMFORT, Light Battery K, First Artillery.

CHARGE.—“Conduct prejudicial to good order and military discipline.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To forfeit to the United States ten dollars of his monthly pay, per month, for three months, and to be confined at hard labor under charge of the battery guard for the same period.”

II. The proceedings and findings in the case of Private Adolph Weissman, Company C, First Infantry, are approved. The period of confinement is reduced to one year. As thus mitigated the sentence will be duly executed. Ship Island, Miss., is designated as the place of confinement.

The proceedings, findings and sentence in the case of Private John Costello, Company F, First Infantry, are disapproved, the charge not being sustained by the evidence adduced. He will be released from confinement and restored to duty.

In the cases of—

Private John McDermott, Company H, First Infantry,

“ William Weldon, “ B, “

“ Thomas Connelly, “ B, “

and Musician James McGuire, “ K, “

the proceedings and findings are approved. The sentences are confirmed and will be duly executed. The prisoners will be confined, in charge of the guard, at the posts where their companies may be stationed.

The proceedings and findings in the cases of Musician William Bushard, U. S. Army Post Band, and Sergeant George Portman, Company K, First Infantry, are approved. The sentences are confirmed and will be duly executed.

The proceedings, findings and sentence in the case of Private Frederick Kleimser, Company I, First Infantry, are approved; but upon the recommendation to clemency by the Court, the period of confinement is reduced to two months. As thus mitigated the sentence will be duly executed. The post where his company may be stationed is designated as the place of confinement.

The proceedings in the case of Private Francis A. Rummell, Company G, First Infantry, are disapproved. The record shows that the accused stated he did not understand the English language; and it is fatally defective in not showing that after an interpreter was introduced and sworn, he (the accused) was asked if he had objection to any member of the Court—he was asked “if he had any objection to the Court.” The sentence is disapproved. Private Rummell will be released from confinement and restored to duty.

The proceedings and findings in the case of Private John W. Comfort, Light Battery K, First Artillery, are approved. While the sentence is entirely disproportionate to the offence, it is confirmed in order that the accused may not altogether escape punishment. The statement of the accused—that he attacked the Corporal because he was intoxicated—thereby committing one offence in consequence of having committed another, increases rather than palliates his guilt. The sentence will be duly executed under the direction of his battery commander.

BY COMMAND OF BREVET MAJOR GENERAL R. C. BUCHANAN:

**THOS. H. NEILL,**

Major, Twentieth Infantry, Brevet Brigadier General, U. S. A.,

OFFICIAL:

Acting Assistant Adjutant General.

Sec. Lieut., Thirty-seventh Inf., Bvt. First Lieut., U. S. A.,  
Acting Assistant Adjutant General.

HEADQUARTERS, DEPARTMENT OF LOUISIANA,

GENERAL ORDERS }  
No. 5.

*New Orleans, La., Sept. 5, 1868.*

1. Before a General Court Martial which convened at Little Rock, Ark., by virtue of Special Orders No. 150, current series, Headquarters, Fourth Military District, and of which Brevet Major General Richard Arnold, Captain, Fifth Artillery, is President, were arraigned and tried:

1. Private JAMES MILLER, Company B, Twenty-eighth Infantry.

CHARGE.—“Desertion.”

PLEA.—“Not Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To be dishonorably discharged the service of the United States with loss of all pay and allowances that are now due, or that may become due; and be confined in such prison as the Commanding General may direct for a period of six months.”

2. Private GEORGE BRADFORD, Company A, Twenty-eighth Infantry.

CHARGE.—“Conduct to the prejudice of good order and military discipline.”

PLEA.—“Not Guilty.”

FINDING.—“Not Guilty.”

“The Court does therefore acquit him.”

3. Quartermaster Sergeant RICHARD CARR, Company C, Twenty-eighth Infantry.

CHARGE.—“Conduct to the prejudice of good order and military discipline.”

ADDITIONAL CHARGE.—“Conduct to the prejudice of good order and military discipline.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To be reduced to the ranks as a private soldier; to be confined under charge of the guard at the post where his company may be serving for a period of four months; and forfeit ten dollars of his monthly pay to the United States for the same period.”

4. Sergeant HORACE S. CROFUT, Company C, Twenty-eighth Infantry.

CHARGE 1ST.—“Drunkenness on duty, violation of the Forty-fifth Article of War.”

CHARGE 2D.—“Conduct to the prejudice of good order and military discipline.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To be reduced to the ranks as a private soldier; to be confined under charge of the guard at the place where his company may be serving for a period of ten days; and to forfeit to the United States ten dollars of his monthly pay for one month.”

5. Private ELI ENSEY, Company D, Twenty-eighth Infantry.

CHARGE.—“Desertion.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To be confined at hard labor under charge of the guard at the place where his company may be serving until January 1st, 1869, and to forfeit to the United States all pay due, or that may become due up to that time.”

6. Lance Sergeant GEORGE W. LITTS, Light Battery G, Fifth Artillery.

CHARGE.—“Conduct prejudicial to good order and military discipline.”

PLEA.—“Not Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To be reprimanded in the presence of his company by his commanding officer.”

7. Private ALEXANDER B. RAY, Company A, Twenty-eighth Infantry.

CHARGE 1ST.—“Utter worthlessness to the prejudice of good order and military discipline.”

CHARGE 2D.—“Absence without leave.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To be dishonorably discharged and drummed out of the service of the United States, and confined in such military prison as the Commanding General may direct for a period of eight months.”

8. Private HUGH McELWEE, Company B, Twenty-eighth Infantry.

CHARGE.—“Violation of the Forty-sixth Article of War.”

PLEA.—“Not Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To be confined under charge of the guard at the post where his company may be serving until January 1st, 1869, and to forfeit eight dollars of his monthly pay during the same period.”

9. Private JOHN S. BROWN, Company D, Twenty-eighth Infantry.

CHARGE.—“Desertion.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”



SENTENCE.—“To be dishonorably discharged and drummed out of the service of the United States and to be confined in such military prison as the Commanding General may direct for the period of three years.”

10. Private CHARLES SHAY, Company D, Twenty-eighth Infantry.

CHARGE.—“Sleeping on post.”

PLEA.—“Not Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To be confined at hard labor under charge of the guard, at the place where his company may be serving, for a period of six months, and to forfeit to the United States ten dollars of his monthly pay for the same period.”

11. JAMES M. CLEMENTS, civilian employee, Quartermaster's Department.

CHARGE.—“Losing United States property through criminal neglect.”

PLEA.—“Not Guilty.”

FINDING.—“Not Guilty.”

“The Court does therefore acquit him.”

12. Private CHARLES L. HOWARD, Light Battery G, Fifth Artillery.

CHARGE.—“Violation of the Twenty-first Article of War.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To be confined at hard labor under Battery guard, attending all drills and stable duty, for six months; and to forfeit to the United States ten dollars of his monthly pay for the same period.”

13. Private MICHAEL SULLIVAN, Light Battery G, Fifth Artillery.

CHARGE.—“Violation of the Twenty-first Article of War.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To be confined at hard labor under Battery guard, attending all drills and stable duty, for six months; and to forfeit to the United States ten dollars of his monthly pay for the same period.”

14. Private JAMES FOX, Light Battery G, Fifth Artillery.

CHARGE.—“Desertion.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To be dishonorably discharged and, drummed out of the service; to be confined at hard labor at such military prison as the Commanding General may direct, for a period of two years.”

15. Corporal JULIUS LAMENSTEIN, Light Battery G, Fifth Artillery.

CHARGE.—“Conduct to the prejudice of good order and military discipline.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To be reduced to the ranks as a private soldier; and to forfeit to the United States ten dollars of his monthly pay for two months.”

16. Sergeant PHILIP MITCHELL, Light Battery G, Fifth Artillery.

CHARGE.—“Drunkenness on duty.”

PLEA.—“Not Guilty.”

FINDING.—“Not Guilty.”

“And the Court does therefore acquit him.”

17. Private HUGH SULLIVAN, Company B, Twenty-eighth Infantry.

CHARGE.—“Conduct to the prejudice of good order and military discipline.”

PLEA.—“Not Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To be dishonorably discharged from the United States' service; and to be confined in such military prison as the Commanding General may direct, for the period of two years.”

18. Private PETER SMITH, Company A, Twenty-eighth Infantry.

CHARGE.—“Conduct to the prejudice of good order and military discipline.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To be dishonorably discharged from the service of the United States; and to be confined in such military prison as the Commanding General may direct, for a period of one year.”

19. Private FRANCIS CAMPBELL, Company B, Nineteenth Infantry.

CHARGE.—“Violation of the Twenty-first Article of War.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To forfeit to the United States five dollars of his monthly pay for one month.”

20. Private JAMES DEVANY, Company B, Nineteenth Infantry.

CHARGE 1ST.—“Violation of the Twenty-first Article of War.”

CHARGE 2D.—“Conduct prejudicial to good order and military discipline.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To be confined at hard labor under charge of the guard at the post where his company may be serving, for a period of three months, and to forfeit to the United States ten dollars of his monthly pay for the same period.”

21. Corporal JAMES HARKINS, Company E, Twenty-eighth Infantry.”

CHARGE 1ST.—“Conduct to the prejudice of good order and military discipline.”

CHARGE 2D.—“Absence without leave.”

PLEA.—*To the First Charge*—“Not Guilty.”

*To the Second Charge*—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To be reduced to the ranks; and to forfeit to the United States ten dollars of his monthly pay for two months.”

22. Private URIAH HOWE, Company D, Twenty-eighth Infantry.

CHARGE.—“Conduct to the prejudice of good order and military discipline.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To be confined at hard labor under guard, at the post where his company may be serving, for four months, and to forfeit eight dollars of his monthly pay for the same period.”

II. The proceedings, findings and acquittal in the case of James M. Clements, civilian employee of the Quartermaster's Department, are approved. He will be released from confinement.

The proceedings and findings in the cases of Privates Charles L. Howard and Michael Sullivan, Light Battery G, Fifth Artillery, are approved. The sentences are confirmed and will be duly executed by the battery commander.

The proceedings and findings in the cases of Privates James Fox, Light Battery G, Fifth Artillery, and Peter Smith, Company A, Twenty-eighth Infantry, are approved. The period of confinement in the case of Private Fox is reduced to one year. As thus mitigated the sentence will be duly executed. In the case of Private Peter Smith, Company A, Twenty-eighth Infantry, the sentence is confirmed and will be duly executed. Ship Island, Miss., is designated as the place of confinement, where the prisoners—Fox and Smith—will be sent under proper guard.

The proceedings in the cases of Privates James Miller, Company B, and Alexander B. Ray, Company A, Twenty-eighth Infantry, are disapproved, for the reasons that the record does not show the date of the trial, and it is not stated that the Judge Advocate was present. They will be released from confinement and restored to duty.

The proceedings in the cases of—

Quartermaster Sergeant Richard Carr, Co. C, Twenty-eighth Inf., Private George Bradford, Company A, Twenty-eighth Infantry, and Private Eli Ensey, Company D, Twenty-eighth Infantry,

are disapproved, for the reasons that the record does not show that the Court met in accordance with its adjournment, and it is not stated that the Judge Advocate was present. They will be released from arrest or confinement and restored to duty.

The proceedings in the cases of—

Sergeant Horace L. Crofut, Company C, Twenty-eighth Infantry;

Private Hugh Sullivan, “ B, “ “ “

Private Uriah Howe, “ D, “ “ “

Corporal Julius Lamenstein, Light Battery G, Fifth Artillery,  
and Sergeant Philip Mitchell, “ “ “ “ “

are disapproved, for the reason that it is not stated the Judge Advocate was present. They will be released from arrest or confinement and restored to duty.

The proceedings in the case of Lance Sergeant George W. Litts, Light Battery G, Fifth Artillery, are disapproved, for the reasons that the names of the members present at the session of the Court on the Fifth day of August, are not given; it is not stated that the Judge Advocate was present, and the name of the person sentenced is not the name (as appearing in the record) of the person charged with the offence. In the sentence it is George W. Litz; in the specification George W. Litts.

The specification and the sentence are further indefinite and incomplete in not stating that Lance Sergeant Litts was *Corporal* or *Private*, Light Battery G, Fifth Artillery.

The sentence of the Court in this case—“to be reprimanded”—is not considered a proper one to be pronounced against an enlisted man. He will be released from arrest and restored to duty.

The proceedings in the cases of—

Private Hugh McElwee, Company B, Twenty-eighth Infantry,

“ John S. Brown, “ D, “ “

and “ Charles Shay, “ “ “ “

are disapproved, for the reasons that the names of the members present at the trial are not given, and it is not stated that the Judge Advocate was present. They will be released from confinement and restored to duty.

The proceedings in the cases of—

Corporal James Harkins, Company E, Twenty-eighth Infantry;

Private James Devany, Company B, Nineteenth Infantry,

and “ Francis Campbell, “ “ “ “

are disapproved on account of variances in the names (as recorded) of the accused. In the specifications they are respectively named James Harkins, Francis Campbell, and James Devany; in the sentences as James Harkens, Frances Campbell, and James Deveny. They will be released from arrest or confinement, and restored to duty.

The manner in which the proceedings in these cases have been recorded merits, as it receives, the severe censure of the reviewing officer. Erasures and interlineations are observed in nearly every page—in many cases in the findings and sentence. In several instances the accused submitted written statements to the Court. These were loosely pinned to the record; in one case between the findings and sentence, in another between two pages of the testimony—in none where it properly belonged. Such statements, if made orally, should appear in the body of the record; if in writing, they should be appended to the record, and the proper references made. It is stated in but one instance that the record of the proceedings at the previous session of the Court were read and approved. If this was not done it ought to have been; and if it was done and not recorded, the Judge Advocate is censurable for not recording the fact, and the Court for not requiring him to do it. In two cases the record does not show the date of the trial, consequently the record of the adjournment appearing therein—"until the 28th *inst.*" and "the 6th *inst.*"—conveys no information as to the month to which the Court adjourned. The record in one case states that the Court adjourned "until the 30th of July," and the record of that session (July 30th) states that "the Court met pursuant to the foregoing order," (the order constituting it). It should have been added in this, as in all similar cases, *and to adjournment.*

The first charge against Quartermaster Sergeant Richard Carr, Company C, Twenty-eighth Infantry, is "Conduct prejudicial to good order and military discipline." The one specification to this charge is immediately followed in the record by "Additional charge—Conduct to the prejudice of good order and military discipline"—supported by two specifications. An "Additional charge" proper, (one preferred subsequent to arraignment on others), must form the subject of a trial separate and distinct from that on the charge or charges to which it is additional. In this case, however, the second charge being preferred before the arraignment, and the two being identical, the second should have been thrown out, and the specifications under it introduced in support of the first. It is no excuse that the charges, as tried, were referred to the Court. It is the duty of the Judge Advocate and the Court, before the arraignment, to amend charges which require correction.

Where the Court, after concluding a case, proceeded at the same session to the trial of another, it should be stated, like the adjournment, at the end of the record. It is stated in the record in one case that the Court adjourned to August 3d. No record or note of a meeting on that day appears, although several subsequent meetings are recorded.

Records of Courts Martial rarely display such carelessness and inattention on the part of both Judge Advocate and Court, as is shown in these cases.

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III. The General Court Martial appointed by Special Orders No. 150, current series, Headquarters, Fourth Military District, and of which Brevet Major General Richard Arnold, Captain, Fifth Artillery, is President, is dissolved.

BY COMMAND OF BREVET MAJOR GENERAL R. C. BUCHANAN:

THOS. H. NEILL,

Major, Twentieth Infantry, Brevet Brigadier General, U. S. A.,  
Acting Assistant Adjutant General.

OFFICIAL:

*Richard B. Bank*  
Sec. Lieut., Thirty-seventh Inf., Bvt. First Lieut., U. S. A.,  
Acting Assistant Adjutant General.

HEADQUARTERS, DEPARTMENT OF LOUISIANA,

GENERAL ORDERS }  
No. 6.

*New Orleans, La., Sept. 15, 1868.*

I. Before a General Court Martial which convened at Greenville, La., by virtue of Special Orders, No. 157, current series, from these Headquarters, and of which Brevet Brigadier General, W. M. Graham, Captain, First Artillery, is President, were arraigned and tried:

1. Private ALEXANDER CHRISTOPHER, Company G, Sixth Cavalry.

CHARGE.—“Desertion.”

PLEA.—“Not Guilty.”

FINDING.—“Not guilty of the charge, but guilty of absence without leave.”

SENTENCE.—“To forfeit ten dollars of his monthly pay for one month.”

2. Private JAMES H. RAY, Company I, Fourth Cavalry.

CHARGE.—“Desertion.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To forfeit to the United States all pay and allowances that are, or may become due him; to be dishonorably discharged the service of the United States; to be indelibly marked with the letter ‘D,’ one and one-half inches long, on his left hip, and three days thereafter to have his head shaved; and then to be drummed out in presence of the command; then to be confined at hard labor, at such place as the Commanding General may direct, for the period of five years, wearing a ball to weigh thirty pounds, attached to his left leg by a chain three feet long.”

3. Sergeant JEREMIAH CURRAN, Company C, First Infantry.

CHARGE 1ST.—“Violation of the Fiftieth Article of War.”

CHARGE 2D.—“Breach of arrest, to the prejudice of good order and military discipline.”

PLEA.—*To the First Charge.*—“Guilty.”

*To the Second Charge.*—“Not Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To be reduced to the ranks; to have his chevrons struck off in presence of the command; to forfeit to the United States ten dollars of his monthly pay per month, for the period of six months.”

4. Private PETER HESSE, Light Battery K, First Artillery.

CHARGE 1ST.—“Larceny, to the prejudice of good order and military discipline.”

CHARGE 2D.—“Wrongfully and knowingly selling government property in violation of an act approved March 2, 1863.”

PLEA.—“Not Guilty.”

FINDING.—“Not Guilty.”

“And the Court does therefore acquit him.”

5. Musician PATRICK MURRAY, Company C, First Infantry.

CHARGE.—“Violation of the Fiftieth Article of War.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To forfeit to the United States ten dollars of his monthly pay for two months, and to be confined at hard labor in charge of the guard for the same period.”

6. Private JOSEPH C. RITCHEY, Company F, First Infantry.

CHARGE 1ST.—“Robbery, to the prejudice of good order and military discipline.”

CHARGE 2D.—“Larceny, to the prejudice of good order and military discipline.”

PLEA.—“Not Guilty.”

FINDING.—*Of the First Charge.*—“Not guilty of robbery, but guilty of conduct to the prejudice of good order and military discipline.”

*Of the Second Charge.*—“Guilty.”

SENTENCE.—“To forfeit all pay and allowances, that are, or may become due him; to be dishonorably discharged the service of the United States, and then to be confined at hard labor at such place as the Commanding General may designate, for the period of two years.”

7. Private JAMES MCCALL, Light Battery K, First Artillery.

CHARGE.—“Desertion.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To forfeit to the United States all pay and allowances, that are, or may become due him; to be dishonorably discharged from the service of the United States; to be indelibly marked with the letter ‘D,’ one and one-half inches long, on his left hip, and three days thereafter to have his head shaved, and to be bugled out in presence of his command; then to be confined at hard labor at such place as the Commanding General may direct, for the period of five years, wearing a ball to weigh twenty-four pounds attached to his left leg by a chain three feet long.”

8. Sergeant ROBERT TEMPLE, Company F, First Infantry.

CHARGE 1ST.—“Violation of the Fiftieth Article of War.”

CHARGE 2D.—“Breach of arrest, to the prejudice of good order and military discipline.”



CHARGE 3D.—“Conduct highly prejudicial to good order and military discipline.”

PLEA.—“Not Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To be reduced to the rank of a private soldier; to forfeit to the United States, fifteen dollars per month of his monthly pay, for twelve months, and to be confined at hard labor at such place as the Commanding General, may direct for the same period.”

9. Private BURROUGH RICH, Company F, First Infantry.

CHARGE.—“Violation of the Forty-sixth Article of War.”

PLEA.—“Not Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To be confined at hard labor in charge of the guard for three months, and to forfeit to the United States ten dollars per month of his monthly pay for the same period.”

10. Private JOHN W. SAMLER, Company I, First Infantry.

CHARGE 1ST.—“Desertion.”

CHARGE 2D.—“Violation of the Twenty-second Article of War.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To forfeit to the United States all pay and allowances that may be, or that may become due him; to be indelibly marked upon the left hip with the letter ‘D,’ one and a half inches long; three days thereafter to be dishonorably discharged the service of the United States; to have one half of his head shaved, and to be drummed out in presence of the command; then to be confined at hard labor at such place as the Commanding General may designate, for the period of eight years, having a ball weighing twenty-four pounds, attached to his left leg, by a chain three feet long.”

11. Private OSCAR CHURCH, Company G, First Infantry.

CHARGE.—“Desertion.”

PLEA.—“Not Guilty.”

FINDING.—“Not guilty of desertion, but guilty of absence without leave.”

SENTENCE.—“To forfeit to the United States five dollars of his monthly pay for the period of six months; to refund the thirty dollars paid for his apprehension, and to be confined at hard labor in charge of the guard for three months.”

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II. The proceedings and findings in the cases of—

Sergeant Jeremiah Curran, Company C, First Infantry,

Musician Patrick Murray,       “       “       “

Private Burrough Rich, Company F, First Infantry,  
 " Oscar Church, " G, "  
 and " Alexander Christopher, " " Sixth Cavalry,  
 are approved. The sentences are confirmed and will be duly executed.

The proceedings, findings and acquittal in the case of Private Peter Hesse, Light Battery K, First Artillery, are approved. He will be released from confinement and restored to duty.

The proceedings, findings and sentence in the case of Private John W. Samler, Company I, First Infantry, are approved. So much of the sentence, however, as provides that one-half his head be shaved is remitted, and the period of confinement is reduced to two years. As thus mitigated the sentence will be duly executed. Ship Island, Miss., is designated as the place of confinement.

The proceedings, findings and sentence in the case of Private James McCall, Light Battery K, First Artillery, are approved. But in view of his critical physical condition, as described by a certificate of the Post Surgeon, the sentence is remitted, except so much as provides that he "forfeit to the United States all pay and allowances that are or may become due him, and that he be dishonorably discharged the service of the United States," which is confirmed, and will be duly executed.

The proceedings, findings and sentence in the case of Sergeant Robert Temple, Company F, First Infantry, are approved. But in view of the testimony, showing that the accused was reported sick, and was marked "for quarters" at the date the offence first charged was committed, of his previous good character, as shown by the testimony of his company commander, and of a recommendation to clemency by the Court, the sentence is remitted. He will be released from arrest and restored to duty.

The proceedings in the case of Private James H. Ray, Company I, Fourth Cavalry, are disapproved on account of variance in the name, as recorded, of the accused. In the specification it is *James H. Ray*; in the sentence *John H. Ray*. He will be released from confinement and restored to duty.

The proceedings in the case of Private Joseph Ritchey, Company F, First Infantry, are disapproved. A soldier who was indicted in the specifications as an accomplice of the accused—but not put on his trial at the same time with him—was introduced as a witness for the defence. He was objected to as being incompetent by reason of interest. The Court overruled the objection, and he proceeded to testify. During the examination, however, the witness was again objected to. The Court then proceeded to examine him upon his *voir dire*, after which the objection was sustained and the witness

rejected. In so doing the Court committed a fatal error. An accomplice, whether indicted or not, is a competent witness both for the prosecution and defense, if he has not been put on his trial at the same time with his companion in crime. *The degree of credit* which should be given to the testimony of the witness, is exclusively within the province of the Court to decide. It may or may not believe him, but it cannot legally refuse to admit him. A further fatal error was committed by the Court in not causing the examination upon the *voir dire* to be recorded at length. The statement that such an examination was made only is recorded. The prisoner will be released from confinement and restored to duty.

BY COMMAND OF BREVET MAJOR GENERAL R. C. BUCHANAN:

THOS. H. NEILL,

Major, Twentieth Infantry, Brevet Brigadier General, U. S. A.,  
Acting Assistant Adjutant General

OFFICIAL:

*Carmichael*  
Sec. Lieut., Thirty-seventh Inf., Bvt. First Lieut., U. S. A.,  
Acting Assistant Adjutant General.



HEADQUARTERS, DEPARTMENT OF LOUISIANA,  
GENERAL ORDERS } *New Orleans, La., Sept. 15, 1868.*  
No. 7.

I. Before a Garrison Court Martial which convened at Greenville, La., by virtue of Special Orders No. 105, current series, Headquarters, Post of New Orleans, La., and of which Brevet Lieutenant Colonel Sheldon Sturgeon, Captain, First Infantry, is President, were arraigned and tried:

1. Private DANIEL GORMAN, Company G, First Infantry.

CHARGE.—“Conduct prejudicial to good order and military discipline.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To forfeit to the United States ten dollars of his monthly pay for one month, and to be confined at hard labor in charge of the guard for the period of twenty days.”

2. Private JAMES FARLEY, Company K, First Infantry.

CHARGE.—“Neglect of duty, to the prejudice of good order and military discipline.”

PLEA.—“Not Guilty.”

FINDING.—“Not Guilty.”

“And the Court does therefore acquit him.”

3. Private FREDERICK BROWNING, Company K, First Infantry.

CHARGE 1ST.—“Conduct prejudicial to good order and military discipline.”

CHARGE 2D.—“Violation of the Forty-fourth Article of War.”

PLEA.—*To the First Charge*—“Not Guilty.”

*To the Second Charge*—“Guilty.”

FINDING.—*Of the First Charge*—“Not Guilty.”

*Of the Second Charge*—“Guilty.”

SENTENCE.—“To forfeit to the United States five dollars of his monthly pay for one month.”

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II. The proceedings and findings in these cases having been approved by the authority which convened the Court, and the sentences confirmed and ordered to be duly executed, the records were forwarded to the Department Commander for his supervision, in compliance with Paragraph 898, Revised Regulations. The records are found to be fatally defective in not showing that the Recorder

was sworn *as such*. The Recorder of a Garrison or Regimental Court Martial is required to take two oaths in presence of the accused—one *as a member* of the Court, which is administered by himself, and another *as Recorder*, which is administered by the senior member. The latter oath is the same as that which is prescribed for the Judge Advocate of a General Court Martial. The proceedings are set aside, and the sentences will not be executed. The officer who appointed this Court overlooked one of the requirements of General Orders No. 24, current series, Headquarters, Fifth Military District, now in force in this Department, to-wit: "*When a Garrison or Regimental Court is convened, it must be made to appear in the order appointing the Court that it was impracticable to convene a Field Officer's Court.*" The attention of officers appointing such Courts is again directed to that order, which must be complied with.

BY COMMAND OF BREVET MAJOR GENERAL R. C. BUCHANAN:

THOS. H. NEILL,

Major, Twentieth Infantry, Brevet Brigadier General, U. S. A.,  
Acting Assistant Adjutant General

OFFICIAL:

Sec. Lieut., Thirty-seventh Infantry, First Lieut., U. S. A.,  
Acting Assistant Adjutant General.

HEADQUARTERS, DEPARTMENT OF LOUISIANA,

GENERAL ORDERS }  
No. 8.

*New Orleans, La., Sept. 15, 1868.*

I. Before a Garrison Court Martial which convened at Little Rock, Arkansas, by virtue of Special Orders No. 127, current series, Headquarters, Post of Little Rock, and of which Brevet Major A. H. Andrews, Twenty-eighth Infantry, is President, were arraigned and tried:

1. Private EMANUEL SAUVE, Company I, Twenty-eighth Infantry.

CHARGE.—“Absence without leave.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To forfeit to the United States four dollars of his monthly pay for one month.”

2. Private JAMES McMAHON, Company I, Twenty-eighth Infantry.

CHARGE 1ST.—“Absence without leave.”

CHARGE 2D.—“Conduct to the prejudice of good order and military discipline.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To forfeit to the United States ten dollars of his monthly pay for one month.”

3. Private PATRICK BOYLE, Company A, Twenty-eighth Infantry.

CHARGE.—“Absence without leave.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To forfeit one dollar of his monthly pay for one month.”

4. Private JAMES HOGAN, Company A, Twenty-eighth Infantry.

CHARGE.—“Conduct prejudicial to good order and military discipline.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To forfeit to the United States five dollars of his monthly pay for one month.”

5. Lance Corporal CHARLES EWALD, Light Battery G, Fifth Artillery.

CHARGE.—“Absence without leave.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To forfeit to the United States three dollars of his monthly pay for one month.”

6. Private FRANCIS COUGHEY, Light Battery G, Fifth Artillery.

CHARGE.—“Absence without leave.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To forfeit to the United States four dollars of his monthly pay for one month.”

7. Private RICHARD WHITE, Company A, Twenty-eighth Infantry.

CHARGE.—“Neglect of duty, to the prejudice of good order and military discipline.”

PLEA.—“Not Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To forfeit to the United States five dollars of his monthly pay for one month.”

8. Corporal FRANCIS H. DAILEY, Company B, Twenty-eighth Infantry.

CHARGE.—“Absence without leave.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To forfeit to the United States six dollars of his monthly pay for one month.”

9. Private GEORGE EGLEY, Light Battery G, Fifth Artillery.

CHARGE.—“Conduct prejudicial to good order and military discipline.”

PLEA.—“Not Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To forfeit to the United States five dollars of his monthly pay for one month.”

10. Private JOHN O'MAHONEY, Light Battery G, Fifth Artillery.

CHARGE.—“Conduct prejudicial to good order and military discipline.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To forfeit to the United States three dollars of his monthly pay for one month.”

11. Private JOHN REYNOLDS, Light Battery G, Fifth Artillery.

CHARGE.—“Absence without leave.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To forfeit to the United States three dollars of his monthly pay for one month.”

12. Private JAMES MORRISSEY, Light Battery G, Fifth Artillery.

CHARGE.—“Absence without leave.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”



SENTENCE.—“To forfeit to the United States three dollars of his monthly pay for one month.”

13. Private PATRICK SMITH, Company A, Twenty-eighth Infantry.  
CHARGE 1ST.—“Absence without leave.”

CHARGE 2D.—“Conduct prejudicial to good order and military discipline.”

PLEA.—“Not Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To forfeit to the United States his pay for one month, except the just dues of the laundress; and to be confined at hard labor for one month, excepting the first fourteen days, which shall be in solitary confinement on bread and water.”

14. PATRICK WILLIAM MURPHY, Company I, Twenty-eighth Infantry.

CHARGE 1ST.—“Absence without leave.”

CHARGE 2D.—“Conduct to the prejudice of good order and military discipline.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To forfeit to the United States ten dollars of his monthly pay for one month.”

15. Private GEORGE W. HARNEY, Company I, Twenty-eighth Infantry.

CHARGE.—“Absence without leave.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To forfeit to the United States three dollars of his monthly pay for one month.”

16. Private CHARLES GOULD, Light Battery G, Fifth Artillery.

CHARGE.—“Absence without leave.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To forfeit to the United States three dollars of his monthly pay for one month.”

17. Private JOHN COYLE, Company I, Twenty-eighth Infantry.

CHARGE.—“Absence without leave.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To forfeit to the United States two dollars of his monthly pay for one month.”

18. Private HENRY JOICE, Company I, Twenty-eighth Infantry.

CHARGE.—“Absence without leave.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To forfeit to the United States five dollars of his monthly pay for one month.”

19. Corporal HENRY BURKE, Company A, Twenty-eighth Infantry.

CHARGE.—“Neglect of duty in violation of the Forty-fourth Article of War.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To forfeit to the United States five dollars of his monthly pay for one month.”

20. Private THOMAS P. COBURN, Company B, Twenty-eighth Infantry.

CHARGE.—“Absence without leave.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To forfeit to the United States three dollars of his monthly pay for one month.”

21. Corporal WILLIAM BYRNES, Company B, Twenty-eighth Infantry.

CHARGE 1ST.—“Absence without leave.”

CHARGE 2D.—“Neglect of duty.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To forfeit to the United States three dollars of his monthly pay for one month.”

22. Private DAVID McCAN, Company B, Twenty-eighth Infantry.

CHARGE.—“Absence without leave.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To forfeit to the United States five dollars of his monthly pay for one month.”

23. Private JAMES PRIOR, Light Battery G, Fifth Artillery.

CHARGE.—“Conduct prejudicial to good order and military discipline.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

“But in consideration of the statement of the accused, which statement the Court believes to be true, as to his condition, the Court attach no criminality to the act, and do therefore acquit him.”

24. Private JAMES COOK, Company C, Twenty-eighth Infantry.

CHARGE.—“Conduct prejudicial to good order and military discipline.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To forfeit to the United States five dollars of his monthly pay for one month.”

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II. The proceedings and findings in these cases having been approved by the authority which convened the Court, and the sentences confirmed and ordered to be duly executed, the records were forwarded to the Department Commander for his supervision in compliance with Paragraph 898, Revised Regulations.

The records are found to be fatally defective in not showing that the Recorder was sworn *as such*. As has been heretofore affirmed in General Orders, the Recorder of a Garrison or Regimental Court Martial is required to take two oaths in presence of the accused—one *as a member* of the Court, which is administered by himself, and another *as Recorder*, which is administered by the senior member, the latter being the same oath as that which is prescribed for the Judge Advocate of a General Court Martial.

The records are further fatally defective in that the “decision and orders” of the reviewing officer upon the *findings and sentence* are not endorsed thereon.

It is insufficient for him to record at the end of the proceedings simply his approval of *them*. Such approval does not include the findings or the sentence.

In but four cases do the records show the names of the members present at the trial.

It is observed from the records that “Brevet Major Pierce, Captain, Twenty-eighth Infantry,” was detailed *by his surname alone* to replace an officer relieved from duty on the Court. This manner of issuing orders is in violation of the customs of the service and under some circumstances would be sufficient cause for disapproving the proceedings.

The proceedings in the foregoing cases are set aside and the sentences will not be executed.

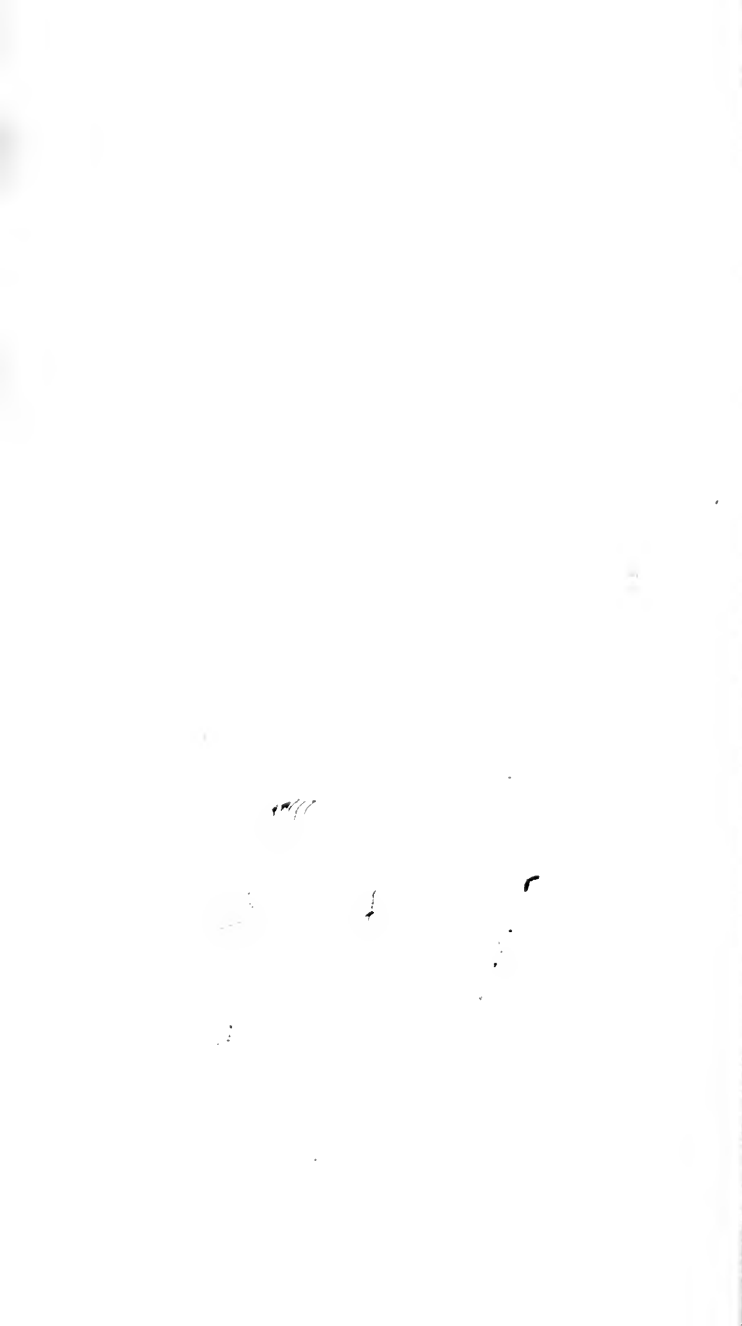
BY COMMAND OF BREVET MAJOR GENERAL R. C. BUCHANAN:

THOS. H. NEILL,

Major, Twentieth Infantry, Brevet Brigadier General, U. S. A.,  
Acting Assistant Adjutant General.

OFFICIAL:

*Cathaniel Dubauk*  
Sec. Lieut., Thirty-seventh Inf., Bvt. First Lieut., U. S. A.,  
Acting Assistant Adjutant General.



HEADQUARTERS, DEPARTMENT OF LOUISIANA,

GENERAL ORDERS }  
NO. 9.

*New Orleans, La., Sept. 15, 1868.*

In obedience to Paragraph 4, General Orders No. 55, Headquarters of the Army, dated Washington, D. C., July 28, 1868, the undersigned hereby relinquishes command of the Department of Louisiana  
Brevet Major General Lovell H. Rousseau, U. S. Army.

ROBERT C. BUCHANAN,  
Brevet Major General, U. S. Army.

OFFICIAL:

*Catharine Buchanan*  
Sec. Lieut., Thirty-seventh Inf., Bvt. First Lieut., U. S. A.,  
Acting Assistant Adjutant General.



HEADQUARTERS, DEPARTMENT OF LOUISIANA,

GENERAL ORDERS }  
No. 10.

*New Orleans, La., Sept. 15, 1868.*

I. In obedience to Paragraph 4, General Orders No. 55, Headquarters of the Army, dated Washington, D. C., July 28, 1868, the undersigned hereby assumes command of the Department of Louisiana.

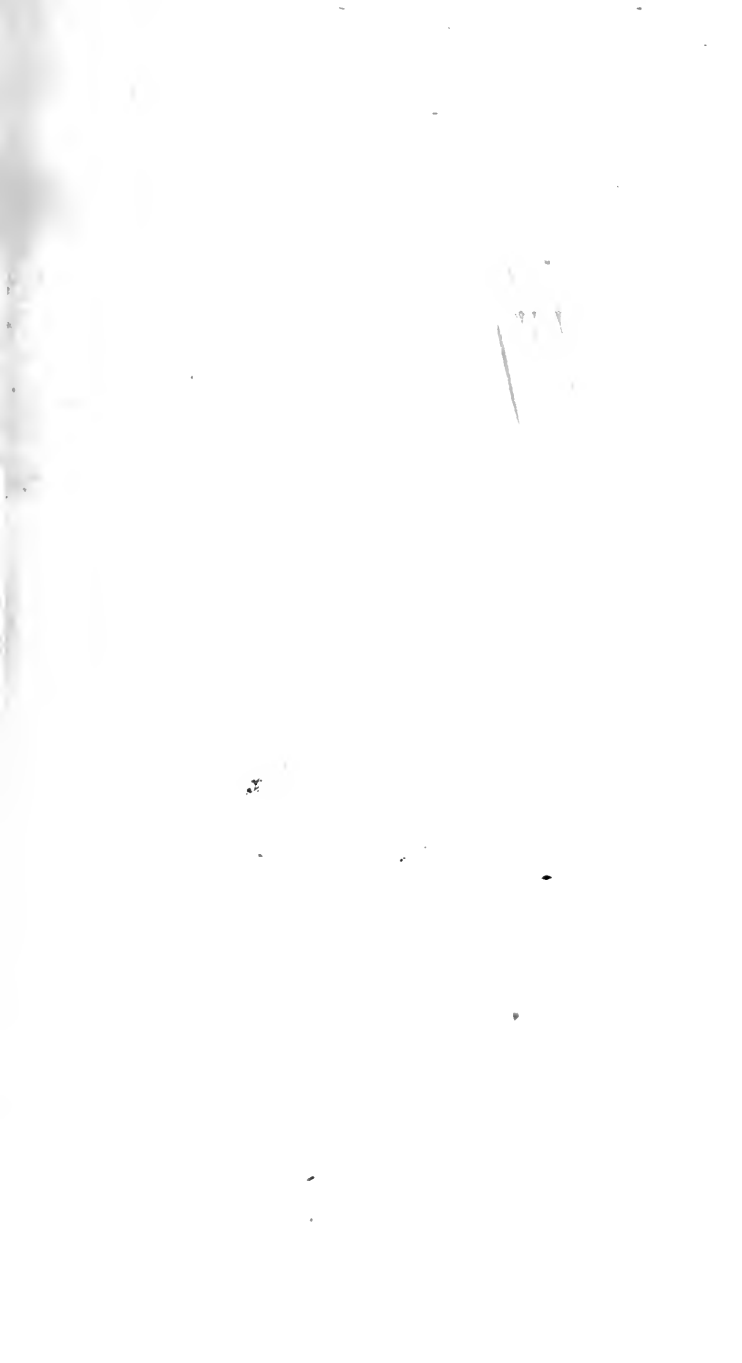
II. The Staff of the Department will remain as at present organized.

**LOVELL H. ROUSSEAU,**

Brevet Major General, U. S. Army,  
Commanding Department.

OFFICIAL:

*Catharine Dubaut*  
Sec. Lieut., Thirty-seventh Inf., Bvt. First Lieut., U. S. A.,  
Acting Assistant Adjutant General.





# HEADQUARTERS, DEPARTMENT OF LOUISIANA,

GENERAL ORDERS }  
No. 11. }

New Orleans, La., Sept. 18, 1868.

I. Before a Regimental Court Martial which convened at Fort Jackson, La., by virtue of Paragraph 2, Special Orders No. 22, current series, Headquarters, Thirty-ninth Infantry, and of which Captain Frank T. Bennett, Thirty-ninth Infantry, is President, were arraigned and tried:

1. Private WILLIAM WILSON, Company G, Thirty-ninth Infantry.

CHARGE.—“Conduct to the prejudice of good order and military discipline.”

PLEA.—“Not Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To forfeit fourteen dollars of his pay, and to be confined for twenty days, fifteen of which at hard labor and five days on bread and water.”

2. Private BENJAMIN PAYTON, Company G, Thirty-ninth Infantry.

CHARGE.—“Absence without leave.”

PLEA.—“Guilty.”

FINDING.—“Guilty.”

SENTENCE.—“To forfeit to the United States five dollars of his monthly pay, and to be reprimanded in the presence of his company by the commanding officer of the same.”

II. The proceedings and findings in these cases having been approved by the authority which convened the Court, and the sentences confirmed and ordered to be duly executed, the records were forwarded to the Department Commander for his supervision, in compliance with Paragraph 898, Revised Regulations.

At the dates these cases were tried—August 27th and September 3d, 1868—it was practicable to detail a Field Officer as a Court, one being present at the post. This fact renders the trials by a Regimental Court an illegal proceeding.

“The latter Court (Regimental or Garrison) can now be held only in cases where it is impracticable to detail a Field Officer as a Court in the Regiment.” [Digest of the opinions of the Judge Advocate General, page 173.]

There is no authority for prolonging the existence of a Court for months—there being no business before it—as has been done in this instance. When a Court has completed the business referred to it, it should be dissolved and others organized, as the exigencies of the service require.

The proceedings are set aside, and the sentences will not be executed.

BY COMMAND OF BREVET MAJOR GENERAL L. H. ROUSSEAU:

THOS. H. NEILL,

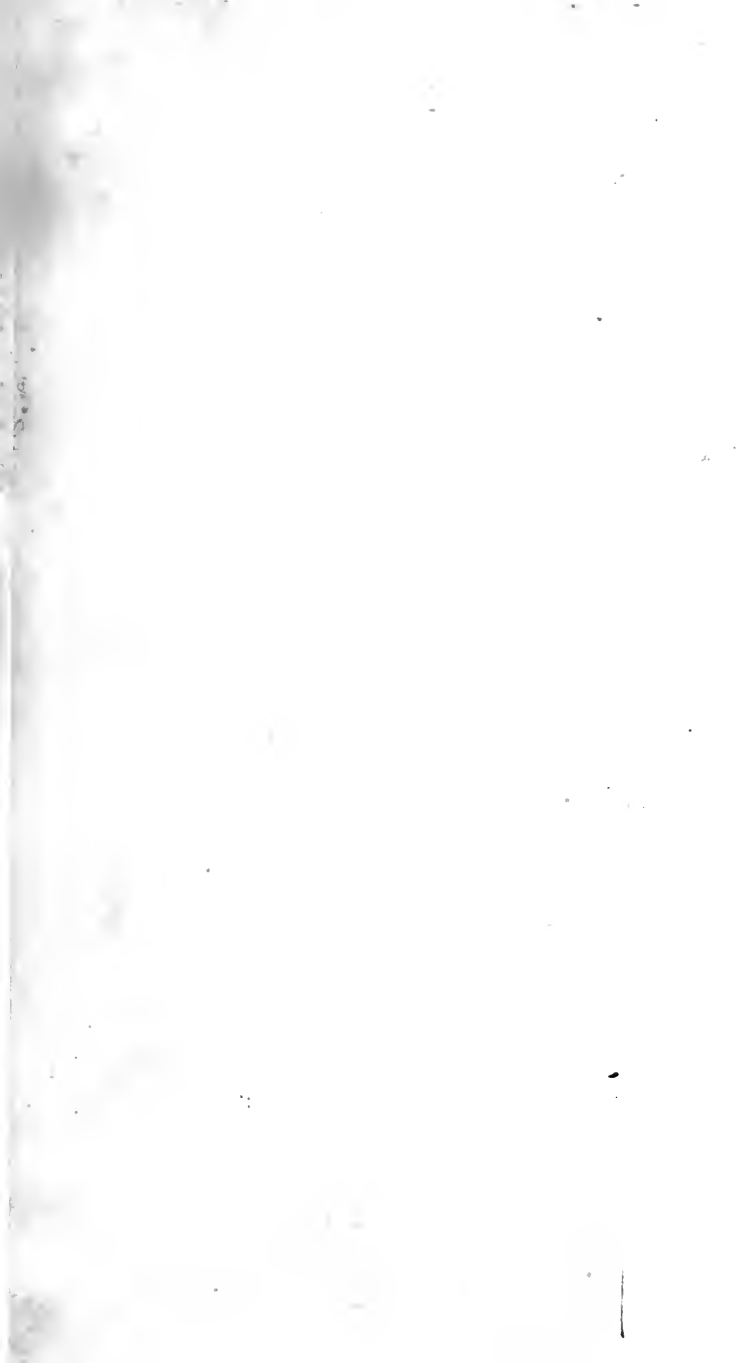
Major, Twentieth Infantry, Brevet Brigadier General, U. S. A.,

Acting Assistant Adjutant General.

OFFICIAL:

Sec. Lieut., Thirty-seventh Inf., Bvt. First Lieut., U. S. A.,

Acting Assistant Adjutant General.



HEADQUARTERS, DEPARTMENT OF LOUISIANA,

GENERAL ORDERS }  
No. 12.

*New Orleans, La., Sept. 23, 1868.*

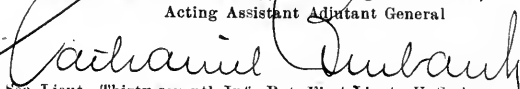
Brevet Major General Romeyn B. Ayres, Lieutenant Colonel, Twenty-eighth Infantry, is hereby announced and assigned to duty as Acting Assistant Inspector General, Department of Louisiana. He will be obeyed and respected accordingly.

BY COMMAND OF BREVET MAJOR GENERAL L. H. ROUSSEAU:

**THOS. H. NEILL,**

Major, Twentieth Infantry, Brevet Brigadier General, U. S. A.,  
Acting Assistant Adjutant General

OFFICIAL:



Sec. Lieut., Thirty-seventh Inf., Bvt. First Lieut., U. S. A.,  
Acting Assistant Adjutant General.



*Distributed Sept 26<sup>th</sup> / 68*

HEADQUARTERS, DEPARTMENT OF LOUISIANA,

GENERAL ORDERS }  
NO. 13.

New Orleans, La., Sept. 24, 1868.

I. Before a General Court Martial which convened at Fort Smith, Arkansas, by virtue of Paragraph 3, Special Orders No. 17, current series, from these Headquarters, and of which Lieutenant Colonel Pinckney Lugenbeel, Nineteenth Infantry, is President, were arraigned and tried :

1. Private HENRY FROMM, Company H, Nineteenth Infantry.

CHARGE.—“Violation of the Forty-sixth Article of War—sleeping on post.”

*Specification.*—“In this, that he, Private Henry Fromm, H Company, Nineteenth Infantry, having been duly mounted as a member of the post guard, and posted as a sentinel on post No. 7, at post hospital, was found sleeping on his post by Second Lieutenant J. C. Fortune, Officer of the Day. All this, at or near Fort Smith, Arkansas, between the hours of one and two o'clock, A. M., on or about the Fourth day of September, 1868.”

PLEA.—*To the Specification.*—“Not Guilty.”

*To the Charge.*—“Not Guilty.”

FINDING.—*Of the Specification.*—“Guilty.”

*Of the Charge.*—“Guilty.”

SENTENCE.—“To be confined at hard labor in charge of the guard with an iron ball weighing twenty-four pounds attached to his left leg, by a chain three and one-half feet in length, until the Eighth day of March, 1869, and to forfeit to the United States ten dollars per month of his monthly pay for six months, from the Eighth day of September, 1868.”

2. Private GUSTAV CONTENT, Company E, Nineteenth Infantry.

CHARGE.—“Violation of the Forty-sixth Article of War—sleeping on post.”

*Specification.*—“In this, that he, Private Gustav Content, E Company, Nineteenth Infantry, having been duly mounted as a member of the post guard, and posted as a sentinel on post No. 3, at Post Blacksmith shop, was found sleeping on his post by the Corporal of the guard. All this, at or near Fort Smith, Arkansas, between the hours of two and three o'clock, A. M., on or about the Fourth day of September, 1868.”

PLEA.—*To the Specification.*—“Guilty.”

*To the Charge.*—“Guilty.”

FINDING.—*Of the Specification.*—“Guilty.”

*Of the Charge.*—“Guilty.”

SENTENCE.—“To be confined at hard labor in charge of the guard with an iron ball weighing twenty-four pounds attached to his left

leg, by a chain three and one-half feet in length until the Eighth day of March, 1869, and to forfeit to the United States ten dollars per month of his monthly pay for six months, from the Eighth day of September, 1868."

3. Private MATTHEW LEIS, Company H, Nineteenth Infantry.

CHARGE.—"Conduct to the prejudice of good order and military discipline."

*Specification.*—"In this, that he, Private Matthew Leis, Company H, Nineteenth Infantry, did take, steal and carry away from the quarters of company Quartermaster Sergeant Arthur McKnight, Company H, Nineteenth Infantry, certain money, to-wit: the sum of thirty dollars, and did appropriate the same to his own use, said thirty dollars, being the company fund of H Company, Nineteenth Infantry, and at the time in charge of the said company Quartermaster Sergeant, Arthur McKnight, H Company, Nineteenth Infantry. All this at or near Fort Smith, Ark., between the hours of 11 o'clock, P. M., of the First and 8 o'clock, A. M., of the Second days of August, 1863."

PLEA.—*To the Specification.*—"Guilty."

*To the Charge.*—"Guilty."

FINDING.—*Of the Specification*—"Guilty."

*Of the Charge.*—"Guilty."

SENTENCE.—"To be dishonorably discharged the military service of the United States, with the loss of all pay and allowances except the just dues of the laundress, and to be confined at hard labor in such military prison as the Commanding General may designate, for the period of one year."

II. The proceedings and findings in the foregoing cases are approved. Upon the recommendation of a majority of the members of the Court, based upon the previous good conduct of the accused, so much of the sentences in the cases of Privates Henry Fromm, Company H, and Gustav Content, Company E, Nineteenth Infantry, as provides that they wear a ball and chain is remitted, and the period of confinement and stoppage of pay is reduced to three months from the Eighth day of September, 1868. As thus mitigated the sentences will be duly executed. The sentence in the case of Private Matthew Leis, Company H, Nineteenth Infantry, is confirmed and will be duly executed. The military prison at Little Rock, Ark., is designated as the place of confinement.

BY COMMAND OF BREVET MAJOR GENERAL L. H. ROUSSEAU:

THOS. H. NEILL,

Major, Twentieth Infantry, Brevet Brigadier General, U. S. A.,  
Acting Assistant Adjutant General.

OFFICIAL:

*Samuel R. Dubauk*  
Sec. Lieut., Thirty-seventh Inf., Bvt. First Lieut., U. S. A.,  
Acting Assistant Adjutant General.

HEADQUARTERS, DEPARTMENT OF LOUISIANA,

GENERAL ORDERS }  
NO. 14.

New Orleans, La., Sept. 25, 1868.

I. Before a General Court Martial which convened at Baton Rouge, La., by virtue of Paragraph 3, Special Orders No. 115, dated Headquarters, Fifth Military District, New Orleans, La., May 26, 1868, and of which Brevet Major General George Sykes, Colonel, Twentieth Infantry, is President, were arraigned and tried:

1. Private THOMAS O'TOOLE, Company E, Twentieth Infantry.

CHARGE.—“ Violation of the Forty-fifth Article of War.”

*Specification.*—“ In this, that Private Thomas O'Toole, Company E, Twentieth Infantry, having been regularly detailed as a member of the guard, and duly mounted as such, did become so much intoxicated as to render him incapable of performing guard duty. This at Baton Rouge, Louisiana, on or about the Eighteenth day of July, 1868.”

PLEA.—*To the Specification*—“ Not Guilty.”

*To the Charge.*—“ Not Guilty.”

FINDING.—*Of the Specification.*—“ Guilty.”

*Of the Charge.*—“ Guilty.”

SENTENCE.—“ To carry a knapsack weighing twenty-five pounds eight hours a day, between reveille and retreat, for the period of two months, under charge of the guard, and when not so occupied between those hours to be kept at hard labor.”

2. Private GEORGE PETERS, Company I, Twentieth Infantry.

CHARGE.—“ Conduct to the prejudice of good order and military discipline.”

*Specification.*—“ In this, that Private George Peters, Company I, Twentieth Infantry, did without cause or provocation maliciously throw a bayonet at Private Frederick Weich, Company I, Twentieth Infantry, thereby inflicting a wound imperilling the life of said Private Frederick Weich. This at Lake Providence, Carroll Parish, State of Louisiana, on or about the Twenty-second day of July, 1868.”

PLEA.—*To the Specification.*—“ Not Guilty.”

*To the Charge.*—“ Not Guilty.”

FINDING.—*Of the Specification.*—“ Guilty.”

*Of the Charge.*—“ Guilty.”

SENTENCE.—“ To forfeit to the United States ten dollars of his monthly pay per month, for four months, and to carry a knapsack weighing thirty pounds every other two hours, from reveille to retreat, in charge of the guard, for twenty days.”

3. Private JAMES WATSON, Company A, Twentieth Infantry.  
CHARGE 1ST.—“Desertion.”

*Specification.*—“In this, that the said Private James Watson, Company A, Twentieth Infantry, having been duly enlisted in the service of the United States, did desert the same on the Twentieth day of July, 1868, and did remain absent until the Twenty-first day of July, 1868, when he was apprehended at the Crescent House, in the city of Baton Rouge, La., by First Sergeant James Griffin, Company A, Twentieth Infantry, and returned to this post. This at Baton Rouge, La., on the dates above specified.”

CHARGE 2D.—“Theft, to the prejudice of good order and military discipline.”

*Specification.*—“In this, that the said Private James Watson, Company A, Twentieth Infantry, did steal from members of his company various articles of value, to-wit: one valise and two pairs shoes. This at Baton Rouge, La., on or about the Twentieth day of July, 1868.”

PLEA.—*To the Specification to First Charge.*—“Not Guilty.”

*To the First Charge.*—“Not Guilty.”

PLEA.—*To the Specification to Second Charge.*—“Not Guilty.”

*To the Second Charge.*—“Not Guilty.”

FINDING.—*Of the Specification to First Charge.*—“Guilty,” except the words “did desert” substituting the words “was absent from.”

*Of the First Charge.*—“Not Guilty, but Guilty of absence without leave.”

*Of the Specification to Second Charge.*—“Not Guilty.”

*Of the Second Charge.*—“Not Guilty.”

SENTENCE.—“To forfeit twelve dollars of his monthly pay per month for two months.”

4. Private WELLINGTON G. MCBURNEY, Company A, Twentieth Infantry.

CHARGE 1ST.—“Desertion.”

*Specification.*—“In this, that the said Private Wellington G. McBurney, Company A, Twentieth Infantry, having been duly enlisted into the service of the United States, did desert the same on the Twentieth day of July, 1868, and did remain absent until the Twenty-first day of July, 1868, when he was apprehended at the Crescent House, in the city of Baton Rouge, La.”

CHARGE 2D.—“Theft, to the prejudice of good order and military discipline.”

*Specification.*—“In this, that the said Private Wellington G. McBurney, Company A, Twentieth Infantry, did steal from members of his company various articles of value, to-wit: one valise, two pairs shoes. This at Baton Rouge, La., on the Twentieth day of July, 1868.”



PLEA.—*To the Specification to First Charge.*—"Not Guilty."

*To the First Charge.*—"Not Guilty."

*To the Specification to Second Charge.*—"Not Guilty."

*To the Second Charge.*—"Not Guilty."

FINDING.—*Of the Specification to First Charge.*—"Guilty, except the words 'did desert' substituting therefor the words, was absent from."

*Of the First Charge.*—"Not Guilty, but Guilty of absence without leave."

*Of the Specification to Second Charge.*—"Not Guilty."

*Of the Second Charge.*—"Not Guilty."

SENTENCE.—"To forfeit twelve dollars of his monthly pay per month for two months."

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II. Before a General Court Martial which convened at Greenville, Louisiana, by virtue of Paragraph 1, Special Orders No. 157, dated Headquarters, Fifth Military District, New Orleans, Louisiana, July 16, 1868, and of which Brevet Brigadier General W. M. Graham, Captain, First Artillery, is President, were arraigned and tried:

1. Corporal LOUIS KUHN, Company F, First Infantry.

CHARGE 1ST.—"Robbery, to the prejudice of good order and military discipline."

*Specification.*—"In this, that Corporal Louis Kuhn (then private,) of Company F, First Infantry, did, on or about the Seventeenth day of January, 1868, at Jackson Barracks, Louisiana, in conjunction with Private Joseph C. Ritchey, Company F, First Infantry, feloniously and violently, take, steal, carry away and appropriate to his own use the sum of five dollars, legal currency of the United States, the property of, and from the person, and against the will of Private William H. Proctor."

CHARGE 2D.—"Larceny, to the prejudice of good order and military discipline."

*Specification.*—"In this, that Corporal Louis Kuhn, Company F, First Infantry, at Jackson Barracks, Louisiana, on or about the Twenty-fourth day of May, 1868, did, in conjunction with Private Joseph C. Ritchey of Company F, First Infantry, feloniously take, steal, carry away and appropriate to his own use the sum of twenty-eight dollars and seventy-five cents, legal currency of the United States, the property of Private Daniel O'Keefe of Company F, First Infantry. This while the said Private Daniel O'Keefe was asleep in his bunk."

PLEA.—*To the Specification of the First Charge.*—"Not Guilty."

*To the First Charge.*—"Not Guilty."

*To the Specification of Second Charge.*—"Not Guilty."  
*To the Second Charge.*—"Not Guilty."

**FINDING.**—*Of the Specification of the First Charge.*—"Guilty, except so much as charges him with committing an assault."

*Of the First Charge.*—"Guilty."

*Of the Specification of the Second Charge.*—"Guilty."

*Of the Second Charge.*—"Guilty."

**SENTENCE.**—"To forfeit to the United States all pay that may be or may become due him; to be dishonorably discharged the service of the United States; then to be confined at hard labor at such place as the Commanding General may designate for the period of two years."

2. Private LEONARD MILLER, Light Battery K, First Artillery.

**CHARGE.**—"Sleeping on post."

**SPECIFICATION.**—"In this, that he, Private Leonard Miller, Light Battery K, First Artillery, being a member of the Battery K, First Artillery, and being a member of the Battery Guard, duly mounted at Sedgwick Barracks, Louisiana, on the Twelfth day of July 1868, and having been duly posted as a sentinel, did lie down and sleep, and did remain in that condition until awakened by the Battery Officer of the Day. This at or near Greenville, Louisiana, July 13, 1868, between the hours of 1, A. M. and 2, A. M."

**PLEA.**—*To the Specification.*—"Guilty."

*To the Charge.*—"Guilty."

**FINDING.**—*Of the Specification.*—"Guilty."

*Of the Charge.*—"Guilty."

**SENTENCE.**—"To forfeit to the United States ten dollars of his monthly pay for six months, and to be confined at hard labor in charge of the guard for the same period."

3. Private JOHN SHEA, Company K, First Infantry.

**CHARGE.**—"Highly insubordinate conduct, to the prejudice of good order and military discipline."

**SPECIFICATION.**—"In this, that Private John Shea, Company K, First Infantry, did assault with a knife, strike at and cut, with intent to kill, Private Michael Leadtham, of Company K, at or about 4 o'clock, P. M., on the Twenty-eighth day of July, 1868. This at Sedgwick Barracks, Greenville, Louisiana, on or about the above date."

**PLEA.**—(Not recorded.)

**FINDING.**—*Of the Specification.*—"Guilty, except the words 'assault,' 'strike at' and 'with intent to kill.'"

*Of the Charge.*—"Guilty."

**SENTENCE.**—"To forfeit ten dollars of his monthly pay per month for the period of six months, and to be confined at hard labor in charge of the guard for the same period."

4. Sergeant CHARLES DENGAS, Company G, First Infantry.

CHARGE.—“Knowingly and wrongfully disposing of Government property, to the prejudice of good order and military discipline.”

*Specification First.*—“In this, that he, Sergeant Charles Dengas, Company G, First Infantry, while on duty at the New Orleans Military Prison, New Orleans, Louisiana, did take and carry away from the said military prison, articles of subsistence, to-wit: flour, bacon, pork, shoulders, &c., the same having been drawn by First Lieutenant Daniel F. Callinan, First Infantry, commanding the prison, for the subsistence of the guard and prisoners of the said prison, and wrongfully sell or otherwise dispose of the same. All this at New Orleans, Louisiana, during the months of April, May, June and July, 1868.”

*Specification Second.*—In this that the said Sergeant Charles Dengas, Company G, First Infantry, while on duty at the military prison, New Orleans, Louisiana, did take prisoners out of their cells at night, contrary to the rules and regulations of said prison, for the purpose of carrying away therefrom articles of subsistence stores, to-wit: flour, bacon, shoulders, &c., which the said Sergeant Charles Dengas, Company G, First Infantry, wrongfully disposed of. All this at New Orleans, Louisiana, during the months of May, June and July, 1868.”

PLEA.—*To the First Specification.*—“Not guilty.”

*To the Second Specification.*—“Not Guilty.”

*To the Charge.*—“Not Guilty.”

FINDING.—*Of the First Specification.*—“Guilty, excepting the words knowingly and wrongfully.”

*Of the Second Specification.*—“Guilty, excepting the words wrongfully disposed of the same.”

*Of the Charge.*—“Not guilty.”

“And the Court does therefore acquit him.”

5. Private RICHARD WAYNE, Company K, First Infantry.

CHARGE.—“Neglect of duty, to the prejudice of good order and military discipline.”

*Specification.*—“In this, that he, Private Richard Wayne, Company K, First Infantry, after being duly posted as sentinel No. 1, at the battalion guard house, and being instructed not to permit any prisoners to leave the guard house without a sentinel accompanying them, did suffer two prisoners, Private William Welden, Company B, and Private Edward Munn, Company A, to escape from said guard house. This, at Greenville, La., on or about the sixteenth of August, between the hours of eight and nine o'clock, P. M.”

PLEA.—*To the Specification.*—“Not guilty.”

*To the Charge.*—“Not Guilty.”

FINDING.—*Of the Specification.*—"Not Guilty."

*Of the Charge.*—"Not Guilty."

"And the Court does therefore acquit him."

III. The proceedings and findings in the cases of—

Private Thomas O'Toole, Company E, Twentieth Infantry,

" George Peters, " I, " "

" James Watson, " A, " "

" Wellington G. McBurney, " Twentieth Infantry,

are approved. The sentences are confirmed, and will be duly executed.

The proceedings, findings and acquittal in the case of Private Richard Wayne, Company K, First Infantry, are approved. He will be released from confinement and restored to duty.

The proceedings in the case of Private John Shea, Company K, First Infantry, are disapproved, for the reason that the record does not show that the accused was allowed to plead. The Commanding General is loath to believe that the Court refused to accord this right to the prisoner, but is rather of the opinion that the Judge Advocate neglected to record this important proceeding of the trial. He will be released from confinement and restored to duty.

The proceedings in the case of Sergeant Charles Deugas, Company G, First Infantry, are disapproved. The officer who preferred the charges was a member of the Court, and at the proper time was, for that reason, objected to by the accused. The Court overruled the objection, and the record does not show that the challenged member stated that he had no knowledge of the facts of the case, or that he had signed the charges by direction of his superior officer. Had there been a sentence this proceeding would have been fatal to its validity. "One who signs the charges is *prima facie* an accuser, and may be rejected as a member of the Court, on challenge. But when the officer who subscribed the charges, stated to the court that he had no knowledge of the facts of the case, and that his name had been appended by order of his superior officer, *held* that his being allowed to sit as a member, though objected to, did not affect the validity of the proceedings." (*Digest of the opinions of the Judge Advocate General, page 31.*) The findings and acquittal are approved. The accused will be released from arrest and restored to duty.

The proceedings in the case of Private Leonard Miller, Light Battery K, First Artillery, are disapproved, for the reason that the record does not show that the Court was cleared for deliberation upon

its findings and sentence. He will be released from confinement and restored to duty.

The proceedings in the case of Corporal Louis Kuhn, Company F, First Infantry, are approved. The findings are disapproved. Of the specification to the first charge the Court find "Guilty, except so much as charges him with committing an assault." No *assault* is alleged in the specification, but it is obvious that the court *intended* by this finding to except that part of the specification which alleges *violence*. In so doing, the Court took from the indictment the element which constituted the offence, as charged—robbery. There can be no robbery without violence or putting in fear, and the Court having found not guilty of the violence charged, the specification supports only a charge of larceny. The true finding, therefore, for the Court, upon the charge, *as it viewed the evidence*, was, not guilty of robbery, but guilty of larceny (or conduct) to the prejudice of good order and military discipline. But upon a careful reading of the record, it does not appear that there is sufficient evidence to warrant a conviction upon either of the charges. The sentence is therefore disapproved. The accused will be released from arrest and restored to duty.

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IV. The General Court Martial, convened by Special Orders No. 157 and 158, dated Headquarters, Fifth Military District, New Orleans, La., July 16th and 17th, 1868, and of which Brevet Brigadier General William M. Graham, Captain, First Artillery, is President, is hereby dissolved.

BY COMMAND OF BREVET MAJOR GENERAL L. H. ROUSSEAU:

**THOS. H. NEILL,**

Major, Twentieth Infantry, Brevet Brigadier General, U. S. A.,  
Acting Assistant Adjutant General.

OFFICIAL:

Sec. Lieut., Thirty-seventh Inf., Bvt. First Lieut., U. S. A.,  
Acting Assistant Adjutant General.



# HEADQUARTERS, DEPARTMENT OF LOUISIANA,

GENERAL ORDERS }  
NO. 15.

New Orleans, La., Sept. 29, 1868.

Before a Garrison Court Martial which convened at the post of Fort Smith, Ark., of which Captain Robert Ayres, Nineteenth Infantry, was President, were arraigned and tried:

Artificer Charles W. Moffit, Company K, Nineteenth Infantry,

Private John Fastleband, " " " "

" Nicholas Coogan, " E, " "

" Charles Matney, " F, " "

" Louis Moyer, " A, " "

Sergeant Eckbert Grone, " E, " "

Corporal Dennis M. Carroll, " A, " "

The records having been forwarded to the Department Commander, for his supervision, in compliance with Paragraph 898, Revised Regulations, the proceedings in the cases of—

Artificer Charles W. Moffit, Company K, Nineteenth Infantry,

Private John Fastleband, " " " "

" Nicholas Coogan, " E, " "

are set aside for the reason that it is not shown that the Court was sworn *in presence of the accused*.

The proceedings in the cases of—

Private Charles Matney, Company F, Nineteenth Infantry, and

" Louis Moyer, " A, " "

are set aside on account of variance in the names, (as recorded,) of the accused. In the specifications they are respectively Charles Matney, Louis Moyer; in the sentences Charles Matney, Lewis Moyer.

In the cases of Sergeant Eckbert Grone, Company E, and Corporal Dennis M. Carroll, Company A, Nineteenth Infantry, the sentences are "to be reduced to the ranks *as a private sentinel*." The absurdity of such a sentence is apparent without comment. It is presumed that it was the intention of the Court that the accused should be *reduced to the grade of private*, and it should have been so expressed. The proceedings are set aside.

Officers who review the proceedings of Garrison and Regimental Courts should perform that duty with the most scrupulous care.

However merited the punishment contemplated by the Court, if the requirements of the law are not complied with on the trial, or in recording the proceedings, the sentences cannot be lawfully executed.

If fatal irregularities are overlooked by the reviewing authority, as has been done in these cases, and the sentences confirmed, the execution of the same will have commenced, and in some instances been completed, before the records can reach the Department Commander, and the proceedings be by him set aside.

BY COMMAND OF BREVET MAJOR GENERAL L. H. ROUS-EAU:

THOS. H. NEILL,

OFFICIAL: Major, Twentieth Infantry, Brevet Brigadier General, U. S. A.,  
Acting Assistant Adjutant General

Sec. Lieut., Thirty-seventh Inf., Bvt. First Lieut., U. S. A.,  
Acting Assistant Adjutant General.





## HEADQUARTERS, DEPARTMENT OF LOUISIANA,

GENERAL ORDERS }  
No. 16.

New Orleans, La., Oct. 6, 1868.

I. Before a General Court Martial which convened at Baton Rouge, La., by virtue of Paragraph 3, Special Orders, No. 115, dated Headquarters, Fifth Military District, New Orleans, La., May 26th, 1868, and of which Brevet Major General, George Sykes, Colonel, Twentieth Infantry, is President, were arraigned and tried:

1. Private CHARLES E. JONES, Company K, Twentieth Infantry.  
CHARGE.—“Desertion.”

*Specification.*—“In this, that he, Private Charles E. Jones, Company K, Twentieth Infantry, having been duly enlisted in the service of the United States, did desert the same, on or about the Thirty-first day of May, 1868, and did remain absent until apprehended at New Orleans, La., on or about the Second day of June, 1868. Thirty dollars reward paid for his apprehension. This at Baton Rouge, La., on or about the Thirty-first day of May, 1868.”

PLEA.—*To the Specification.*—“Guilty.”

*To the Charge.*—“Guilty.”

FINDING.—*Of the Specification*—“Guilty.”

*Of the Charge.*—“Guilty.”

SENTENCE.—“To be di-honorably discharged and drummed out of the service of the United States; to forfeit all pay and allowances now due or that may become due him; to be indelibly marked on the left hip with the letter ‘D’ three inches long; and to be confined at hard labor at such military prison as the Commanding General may designate for three years.”

2. Private JOHN L. LYNCH, Company K, Twentieth Infantry.

CHARGE.—“Desertion.”

*Specification.*—“In this, that he, Private John Lynch, Company K, Twentieth Infantry, having been duly enlisted in the service of the United States, did desert the same on or about the Eighteenth day of August, 1868, and did remain absent until apprehended on or about the Nineteenth day of August, 1868. Thirty dollars reward paid for his apprehension. This at Baton Rouge, La., on or about Eighteenth day of August, 1868.”

PLEA.—*To the Specification.*—“Not Guilty.”

*To the Charge.*—“Not Guilty.”

FINDING.—*Of the Specification.*—“Guilty.”

*Of the Charge.*—“Guilty.”

SENTENCE.—“To be dishonorably discharged and drummed out of the service of the United States; to forfeit all pay and allowances

that are now or may become due him; to be indelibly marked on the left hip with the letter 'D' three inches long; and to be confined at hard labor at such military prison as the Commanding General may designate for three years."

3. Private AMOS WEIMER, Company I, Twentieth Infantry.

CHARGE.—"Desertion."

*Specification.*—"In this, that he, Private Amos Weimer, Company I, Twentieth Infantry, having been duly enlisted as a soldier in the United States Army, did desert the same service from Monroe, Ouachita Parish, La., on or about the Twenty-fourth day of April, 1867, and did remain absent therefrom, until on or about the Seventh day of August, 1868, when he was apprehended near Lake Providence, Carroll Parish, La. Thirty dollars paid for his apprehension."

PLEA.—*To the Specification.*—"Guilty."

*To the Charge.*—"Guilty."

FINDING.—*Of the Specification.*—"Guilty."

*Of the Charge.*—"Guilty."

SENTENCE.—"To have his head shaved and be dishonorably discharged and drummed out of the service of the United States; to forfeit all pay and allowances that are now or may become due him; to be indelibly marked on the left hip with the letter 'D' three inches long; and to be confined at hard labor at such military prison as the Commanding General may designate for three years."

4. Private ALEXANDER SWEENEY, Company I, Twentieth Infantry.

CHARGE 1ST.—"Desertion."

*Specification.*—"In this, that he, Private Alexander Sweeney, Company I, Twentieth Infantry, having been duly enlisted as a soldier in the United States Army, did desert the said service at Lake Providence, Carroll Parish, La., on the Seventh day of August, 1868, and did remain absent therefrom, until apprehended near Lake Providence, Carroll Parish, La., on the Eighth day of August, 1868."

CHARGE 2D.—"Conduct to the prejudice of good order and military discipline."

*Specification.*—"In this, that he, Private Alexander Sweeney, Company I, Twentieth Infantry, did sell, barter, or exchange for civilian's clothing, one flannel blouse, one pair of trousers, one forage cap, the property of the United States. This, at Lake Providence, Carroll Parish, La., on or about the Eighth day of August, 1868."

PLEA.—*To the Specification of First Charge.*—"Guilty."

*To the First Charge.*—"Guilty."

*To the Specification of Second Charge.*—"Not Guilty."

*To the Second Charge.*—"Not Guilty."

FINDING.—*Of the Specification to First Charge.*—"Guilty."

*Of the First Charge.*—"Guilty."

*Of the Specification to Second Charge.*—"Guilty."

*Of the Second Charge.*—"Guilty."

SENTENCE.—"To have his head shaved, and be dishonorably discharged and drummed out of the service of the United States; to forfeit all pay and allowances now due or that may become due him; to be indelibly marked on the left hip with the letter 'D,' three inches long; and to be confined at hard labor at such military prison as the Commanding General may designate for three years."

5. Private JOHN HENRY, Company I, Twentieth Infantry.

CHARGE.—"Desertion."

*Specification.*—"In this, that he, Private John Henry, Company I, Twentieth Infantry, having been duly enlisted as a soldier in the service of the United States, did desert said service at Monroe, La., on or about August 24, 1867, and did remain absent until apprehended at Vicksburg, Miss., on or about September 5th, 1868. Thirty dollars paid for his apprehension."

PLEA.—*To the Specification.*—"Guilty."

*To the Charge.*—"Guilty."

FINDING.—*Of the Specification.*—"Guilty."

*Of the Charge.*—"Guilty."

SENTENCE.—"To have his head shaved and to be dishonorably discharged and drummed out of the service of the United States; to forfeit all pay and allowances now due or that may become due him; to be indelibly marked on the left hip with the letter 'D,' three inches long; and to be confined at hard labor at such military prison as the Commanding General may designate for three years."

6. Private HENRY MILLER, Company E, Twentieth Infantry.

CHARGE.—"Desertion."

*Specification.*—"In this, that he, the said Henry Miller, a duly enlisted soldier in the service of the United States, did desert the same at Camp Grant, Va., August 2d, 1866, and did remain absent until apprehended at Lynchburg, Va., on or about April 17th, 1868, Thirty dollars reward paid for his apprehension."

PLEA.—*To the Specification.*—"Guilty."

*To the Charge.*—"Guilty."

FINDING.—*Of the Specification.*—"Guilty."

*Of the Charge.*—"Guilty."

SENTENCE.—"To have his head shaved and be dishonorably discharged and drummed out of the service of the United States; to forfeit all pay and allowances now due, or that may become due him; to be indelibly marked on the left hip with the letter 'D,'

three inches long; and to be confined at hard labor at such military prison as the Commanding General may designate for three years."

II. The proceedings and findings in the foregoing cases are approved. The sentences are confirmed, and will be duly executed. Ship Island, Miss., is designated as the place of confinement.

BY COMMAND OF BREVET MAJOR GENERAL L. H. ROUSSEAU:

THOS. H. NEILL,

Major, Twentieth Infantry, Brevet Brigadier General, U. S. A.,  
Acting Assistant Adjutant General.

OFFICIAL:

*Samuel Dink*  
Sec. Lieut., Thirty-seventh Inf., Bvt. First Lieut., U. S. A.,  
Acting Assistant Adjutant General.

HEADQUARTERS, DEPARTMENT OF LOUISIANA,

GENERAL ORDERS }  
No. 17.

*New Orleans, La., Oct. 7, 1868.*

I. The following extract from General Orders No. 78, Headquarters of the Army, Adjutant General's office, of date September 21, 1868, is published from these Headquarters for the information and action of officers of this command:

"Department Commanders will report to the Adjutant General of the Army with a view to their being brought before a Retiring Board, the cases of all officers in their Departments who are incapacitated for active service.

"Habitual intemperance, frequenting gambling houses, and other vicious habits which disqualify an officer for the proper discharge of active military duties, or make him habitually neglectful; and in general, any cause which in the opinion of the Department Commander renders an officer palpably inefficient and unfit for the military service, will be regarded as proper subjects for the consideration and report of the Retiring Board.

"The report of the Department Commander in each case should contain a specific statement of facts and the names of witnesses to prove them."

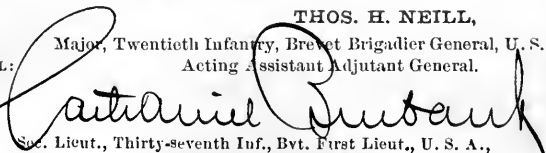
II. All officers, belonging to regiments and detachments serving in the Department of Louisiana, who may be affected by the above order, will be reported to these Headquarters, through the Headquarters of Districts, by the commanding officers of such regiments or detached companies; these reports to be accompanied by a specific statement of facts, in each case, and the names of witnesses in proof.

BY COMMAND OF BREVET MAJOR GENERAL L. H. ROUSSEAU:

THOS. H. NEILL,

Major, Twentieth Infantry, Brevet Brigadier General, U. S. A.,  
Acting Assistant Adjutant General.

OFFICIAL:

  
Soc. Lieut., Thirty-seventh Inf., Bvt. First Lieut., U. S. A.,  
Acting Assistant Adjutant General.



## HEADQUARTERS, DEPARTMENT OF LOUISIANA,

GENERAL ORDERS }  
NO. 18.

New Orleans, La., Oct. 7, 1868.

Before a Garrison Court Martial which convened at the post of Fort Smith, Arkansas, of which Brevet Major Thomas Cummings, Captain, Nineteenth Infantry, is President, was arraigned and tried Quartermaster Sergeant Sidney W. Garratt, Company H, Nineteenth Infantry.

The accused was sentenced "to be reduced to the ranks as a private sentinel; and to forfeit to the United States five dollars of his monthly pay for one month." The record was forwarded by the reviewing officer to the Department Commander for his supervision, in compliance with Paragraph 898, Revised Regulations.

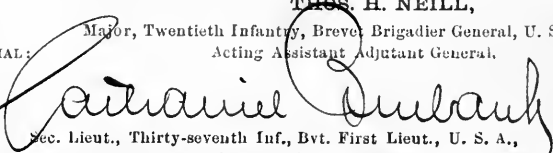
The absurdity of the first part of this sentence has been heretofore remarked upon in General Orders, and the Commanding General trusts that such an one will not again come before him for confirmation. *Reduced to the grade of private*, is the accurate expression of the will of the Court in such cases. But under the ruling of the Judge Advocate General, (*Digest*, page 29, section 6,) a Garrison or Regimental Court cannot sentence a non-commissioned officer to be reduced where the effect of such sentence will be to deprive him of more than one month's pay. The record in all such cases, therefore, must be accompanied by evidence showing the date of expiration of the soldier's enlistment. In the present case, if the accused had longer than three months and three-quarters to serve, the sentence would be illegal, since it would result in his forfeiture of more than twenty dollars—his pay per month at the date of his reduction. So much of the sentence in the case of Quartermaster Sergeant Garratt as provides that he be reduced to the ranks is, for the foregoing reasons, disapproved, and will not be executed.

BY COMMAND OF BREVET MAJOR GENERAL L. H. ROUSSEAU:

THOS. H. NEILL,

Major, Twentieth Infantry, Brevet Brigadier General, U. S. A.,  
Acting Assistant Adjutant General.

OFFICIAL:

  
Sec. Lieut., Thirty-seventh Inf., Bvt. First Lieut., U. S. A.,  
Acting Assistant Adjutant General.





HEADQUARTERS, DEPARTMENT OF LOUISIANA,

GENERAL ORDERS }  
NO. 19.

New Orleans, La., Oct. 12, 1868.

1. Before a General Court Martial which convened at the post of Washington, Arkansas, by virtue of Paragraph 2, Special Orders No. 7, current series, from these Headquarters, and of which Brevet Colonel C. C. Gilbert, Lieutenant Colonel, Twenty-eighth Infantry, is President, were arraigned and tried:

1. Musician JOHN G. HENDER, Company K, Twenty-eighth Infantry.

CHARGE 1ST.—“Absence without leave.”

*Specification.*—“In this, that he, Musician John G. Hender, Company K, Twenty-eighth Infantry, did, without proper authority, absent himself from his company and post at retreat roll-call, on June 27th, 1868. This at or near Washington, Arkansas, on or about June 27th, 1868.”

CHARGE 2D.—“Conduct to the prejudice of good order and military discipline.”

*Specification First.*—“In this, that he, Musician John G. Hender, Company K, Twenty-eighth Infantry, did run along the streets of Washington, Arkansas, with a club in his hand, and did knock down what freedmen he met, to-wit: Anthony, at E. K. Williamson's, Frank Rice and Isaac Nolen, without any just cause or provocation whatever; and did use the most obscene language on the public streets and in public houses, to-wit: He called one Mr. Williams, a citizen clerk in Max Parker's store, ‘a damned lying————;’ this in presence of a great many citizens. All this at or near Washington, Arkansas, on or about the Twenty-seventh day of June, 1868.”

*Specification Second.*—“In this, that he, Musician John G. Hender, Company K, Twenty-eighth Infantry, did go into the auction room of Max Parker, and did interrupt the sale by bidding on articles; and when they were knocked down to him, he would and did tell the auctioneer to ‘————,’ and did behave himself in a most drunken, disorderly and disgraceful manner. All this at or near Washington, Arkansas, on or about the Twenty-seventh day of June, 1868.”

PLEA.—*To the Specification of First Charge*—“Guilty.”

*To the First Charge*—“Guilty.”

*To the First Specification of Second Charge*—“Not Guilty.”

*To the Second Specification of Second Charge*—“Not Guilty.”

*To the Second Charge*—“Not Guilty.”

FINDING.—*Of the Specification of First Charge*—"Guilty."

*Of the First Charge*—"Guilty."

*Of the First Specification of Second Charge*—"Not Guilty."

*Of the Second Specification of Second Charge*—"Guilty, except the words, 'and when they were knocked down to him he would and did tell the auctioneer to———.'"

*Of the Second Charge*—"Guilty."

SENTENCE.—"To forfeit to the United States five dollars of his monthly pay for five months."

2. Private PATRICK BURNS, Company F, Twenty-eighth Infantry.

CHARGE 1ST.—"Absence without leave."

*Specification.*—"In this, that he, Private Patrick Burns, Company F, Twenty-eighth Infantry, being regularly detailed on duty with the wood party, did, without proper authority, absent himself from the same from the morning of the 24th of June, 1868, to the evening of the 25th of June, 1868. All this at or near Washington, Arkansas, on or about the Twenty-fifth day of June, 1868."

CHARGE 2D.—"Conduct to the prejudice of good order and military discipline."

*Specification First.*—"In this, that he, Private Patrick Burns, Company F, Twenty-eighth Infantry, did go to the house of Elizabeth Jones, a freedwoman, situated in the woods near the camp of a detachment of the Twenty-eighth Infantry, and by force and violence try to ravish the said Elizabeth Jones and Harriet Page, freedwomen. All this at or near Washington, Arkansas, on or about June 24th, 1868."

*Specification Second.*—"In this, that he, Private Patrick Burns, Company F, Twenty-eighth Infantry, did enter the house known as the old freedmen's hospital, and did assault therein a certain freedwoman named Mollie Nash, and did beat, kick and choke her in a severe and brutal manner. All this at or near Washington, Arkansas, on or about the Twenty-fourth day of June, 1868."

PLEA.—*To the Specification of First Charge*—"Not Guilty."

*To the First Charge*—"Not Guilty."

*To the First Specification of Second Charge*—"Not Guilty."

*To the Second Specification of Second Charge*—"Not Guilty."

*To the Second Charge*—"Not Guilty."

FINDING.—*Of the Specification of First Charge*—"Guilty."

*Of the First Charge*—"Guilty."

*Of the First Specification of Second Charge*—"Guilty, except the words, 'the said Elizabeth Jones and.'"

*Of the Second Specification of Second Charge*—"Guilty."

*Of the Second Charge*—"Guilty."

SENTENCE.—"To be confined at hard labor at such place as the

Commanding General may direct for the period of one month; and forfeit to the United States ten dollars of his monthly pay for five months."

3. Private GEORGE WILLIS, Company F, Twenty-eighth Infantry.  
CHARGE—"Absent without proper authority."

*Specification.*—"In this, that he, Private George Willis, Company F, Twenty-eighth Infantry, being duly detailed in the Quartermaster's Department, did absent himself from work and from the garrison the greater part of the afternoon of the Fourteenth day of August, 1868, without proper authority. All this at or near Washington, Arkansas, on or about the Fourteenth day of August, 1868."

PLEA.—*To the Specification*—"Not Guilty."

*To the Charge*—"Not Guilty."

FINDING.—*Of the Specification*—"Guilty."

*Of the Charge*—"Guilty."

SENTENCE.—"To forfeit to the United States five dollars of his monthly pay for one month."

4. Private JOHN A. CASE, Company F, Twenty-eighth Infantry.

CHARGE.—"Conduct prejudicial to good order and military discipline."

*Specification.*—"In this, that he, Private John A. Case, Company F, Twenty-eighth Infantry, having reported to Acting Assistant Surgeon D. J. Evans, U. S. Army, and being ordered by said Acting Assistant Surgeon Evans, to take a dose of salts, he, Private John A. Case, Company F, Twenty-eighth Infantry, did take said dose of salts from the table or counter where it had been prepared for him, walked to the door, threw the salts on the ground, returned the glass to the counter and walked out of the door, at the same time remarking 'you can't get any of your damned salts down me,' or words to that effect. All this at the post hospital at Washington, Arkansas, on or about the Fourteenth day of August, 1868."

PLEA.—*To the Specification*—"Guilty."

*To the Charge*—"Guilty."

FINDING.—*Of the Specification*—"Guilty, except the words 'from the Garrison.'"

*Of the Charge*—"Guilty."

SENTENCE.—"To forfeit five dollars per month of his monthly pay for four months."

5. Private LUDWIG KOHNE, Company F, Twenty-eighth Infantry.

CHARGE 1ST.—"Conduct to the prejudice of good order and military discipline."

*Specification.*—"In this, that he, Private Ludwig Kohne, Company F, Twenty-eighth Infantry, being regularly detailed in the Quartermaster's Department as bricklayer, and being specially ordered

by Lieutenant Thos. M. Wenie, Twenty-eighth Infantry, Acting Assistant Quartermaster, to work on a chimney on the bake-house at this post, did fail to do so, but went away and stayed until arrested by the guard sent after him. All this at or near Washington, Arkansas, on or about the Fourteenth day of August, 1868."

CHARGE 2D.—"Disobedience of orders."

*Specification.*—"In this, that he, Private Ludwig Kolme, Company F, Twenty-eighth Infantry, being regularly detailed and put on duty in the Quartermaster's Department as bricklayer, and having been met loafing around the streets of Washington, Arkansas, was specially ordered by Lieutenant Thos. M. Wenie, Twenty-eighth Infantry, Acting Assistant Quartermaster—he being in the execution of his legitimate duty at the time—to go to camp, and go to work on a chimney of the bake-house at this post, that he was in a very great hurry with, did fail to obey, but stayed away all day until he was arrested by a guard sent after him. All this on or about the Fourteenth day of August, 1868."

PLEA.—*To the Specification of First Charge.*—"Not Guilty."

*To the First Charge.*—"Not Guilty."

*To the Specification of the Second Charge.*—"Not Guilty."

*To the Second Charge.*—"Not Guilty."

FINDING.—*Of the Specification of First Charge.*—"Guilty, except the words 'did remain away until arrested by the guard.'"

*Of the First Charge.*—"Guilty."

*Of the Specification of Second Charge.*—"Not Guilty."

*Of the Second Charge.*—"Not Guilty."

SENTENCE.—"To forfeit to the United States five dollars per month of his monthly pay for six months."

6. Private PETER KENNEDY, Company F, Twenty-eighth Infantry.

CHARGE.—"Disobedience of orders."

*Specification.*—"In this, that he, said Private Peter Kennedy, Company F, Twenty-eighth Infantry, did—after having been duly cautioned in company orders, published, not to enter the company kitchen—enter the same without proper authority, and in violation of the lawful commands of his company commander. This, at Washington, Ark., on or about the Fifteenth day of July, 1868."

FINDING.—*Of the Specification.*—"Not Guilty."

*Of the Charge.*—"Not Guilty."

"And does therefore acquit him."

7. Private PATRICK ROCHE, Company F, Twenty-eighth Infantry.

CHARGE.—"Conduct to the prejudice of good order and military discipline."

*Specification.*—"In this, that he, Private Patrick Roche, Company F, Twenty-eighth Infantry, being duly detailed and placed upon

duty as cook's police in the kitchen of Company F, Twenty-eighth Infantry, did become so drunk as to be totally unfit to perform his duties as such. This, at the post of Washington, Ark., on or about the Twenty-fourth day of August, 1868."

PLEA.—*To the Specification.*—"Guilty."

*To the Charge.*—"Guilty."

FINDING.—*Of the Specification.*—"Guilty."

*Of the Charge.*—"Guilty."

SENTENCE.—"To forfeit five dollars of his pay."

8. Private O. C. GUNDERSON, Company K, Twenty-eighth Infantry.

CHARGE.—"Absence without proper authority."

*Specification.*—In this, that he, Private O. C. Gunderson, Company K, Twenty-eighth Infantry, was absent from his quarters without proper authority, between the hours of ten o'clock and twelve o'clock, P. M., when the Officer of the Day made his rounds. All this, at or near Washington, Ark., on the night of August 25th, 1868.

PLEA.—*To the Specification.*—"Guilty."

*To the Charge.*—"Guilty."

FINDING.—*Of the Specification.*—"Guilty."

*Of the Charge.*—"Guilty."

SENTENCE.—"To forfeit five dollars of his pay."

9. Private JOHN HOLTON, Company F, Twenty-eighth Infantry.

CHARGE.—"Conduct to the prejudice of good order and military discipline."

*Specification First.*—"In this, that he, Private John Holton, Company F, Twenty-eighth Infantry, did become drunk and disorderly in the barracks of his company."

*Specification Second.*—"In this, that he, Private John Holton, Company F, Twenty-eighth Infantry, did maliciously destroy the property of Myran——freedwoman. All this, in the barracks of Company F, Twenty-eighth Infantry, at the post of Washington, Ark., on or about the Twenty-ninth day of August, 1868."

PLEA.—*To the First Specification.*—"Guilty."

*To the Second Specification.*—"Guilty."

*To the Charge.*—"Guilty."

FINDING.—*Of the First Specification.*—"Guilty."

*Of the Second Specification.*—"Guilty."

*Of the Charge.*—"Guilty."

SENTENCE.—"To forfeit five dollars of his pay for two months."

10. Artificer BERNARD LOCKHARD, Company F, Twenty-eighth Infantry.

CHARGE.—"Conduct to the prejudice of good order and military discipline."

*Specification.*—In this, that he, Artificer Bernard Lockhard, Com-

pany F, Twenty-eighth Infantry, having been turned over to Sergeant Jacob Steno, Company F, Twenty-eighth Infantry, by First Sergeant Harry H. Goodrich, Company F, Twenty-eighth Infantry, to police the ground around the officers' quarters and barracks of his company, did fail to do so, and after being told several times by Sergeant Steno to come out of the company quarters, and police around the quarters of his company officers, did say 'I am going to stay here,' and 'I will rather go to the guard-house than sweep,' or words to that effect. This, at the post of Washington, Ark., at police call, on or about the Twenty-ninth day of August, 1868."

PLEA.—*To the Specification.*—"Guilty."

*To the Charge.*—"Guilty."

FINDING.—*Of the Specification.*—"Guilty."

*Of the Charge.*—"Guilty."

SENTENCE.—"To forfeit five dollars of his monthly pay for three months."

11. Private WILLIAM SMITH, Company F, Twenty-eighth Infantry.

CHARGE 1st.—"Absence without leave."

*Specification.*—"In this, that he, Private William Smith, Company F, Twenty-eighth Infantry, did absent himself, without permission, from the hospital, he being, at the time, convalescent from malarial disease. This, at or near Washington, Ark., on or about the Fourteenth day of August, 1868."

CHARGE 2d.—"Disobedience of orders."

*Specification.*—"In this, that he, Private William Smith, Company F, Twenty-eighth Infantry, did become drunk, contrary to the written rules and regulations for the government of the hospital. This, at or near Washington, Ark., between the hours of eight, A. M., and two, P. M., on or about the Fourteenth day of August, 1868."

PLEA.—*To the Specification to First Charge.*—"Guilty."

*To the First Charge.*—"Guilty."

*To the Specification to Second Charge.*—"Guilty."

*To the Second Charge.*—"Guilty."

FINDING.—*Of the Specification to First Charge.*—"Guilty."

*Of the First Charge.*—"Guilty."

*Of the Specification to Second Charge.*—"Guilty."

*Of the Second Charge.*—"Guilty."

SENTENCE.—"To forfeit five dollars of his monthly pay for five months."

12. Private BAXTER JOHNSON, Company F, Twenty-eighth Infantry.

CHARGE 1st.—"Conduct to the prejudice of good order and military discipline."

*Specification.*—"In this, that he, Private Baxter Johnson, Company

F, Twenty-eighth Infantry, did become drunk and disorderly while in the town of Washington, Ark., on or about the Twenty-fourth day of June, 1868."

CHARGE 2D.—"Disobedience of orders."

*Specification.*—"In this, that he, Private Baxter Johnson, Company F, Twenty-eighth Infantry, did, after being ordered to camp by Brevet Major H. E. Stansbury, Captain, Company F, Twenty-eighth Infantry, refuse to obey said orders, and did remain in town. This, at Washington, Ark., on or about the Twenty-fourth day of June, 1868."

PLEA.—*To the Specification of First Charge.*—"Not Guilty."

*To the First Charge.*—"Not Guilty."

*To the Specification of Second Charge.*—"Not Guilty."

*To the Second Charge.*—"Not Guilty."

FINDING.—*Of the Specification to First Charge.*—"Guilty."

*Of the First Charge.*—"Guilty."

*Of the Specification to Second Charge.*—"Guilty."

*Of the Second Charge.*—"Guilty."

SENTENCE.—"To forfeit ten dollars of his monthly pay for six months."

13. Artificer JOHN TYSON, Company F, Twenty-eighth Infantry.

CHARGE.—"Violation of the Forty-second Article of War."

*Specification.*—"In this, that he, the said Artificer John Tyson, Company F, Twenty-eighth Infantry, did lie out of his quarters without proper authority, between the hours of tattoo, on the Sixteenth, and reveille, on the Seventeenth day of August, 1868. This, at the post of Washington, Ark."

PLEA.—*To the Specification.*—"Guilty."

*To the Charge.*—"Guilty."

FINDING.—*Of the Specification.*—"Guilty."

*Of the Charge.*—"Guilty."

SENTENCE.—"To forfeit to the United States five dollars of his pay."

14. Private JOHN ARMSTRONG, Company F, Twenty-eighth Infantry.

CHARGE.—"Conduct to the prejudice of good order and military discipline."

*Specification.*—"In this, that he, the said Private John Armstrong, Company F, Twenty-eighth Infantry, having been regularly detailed for and placed on duty in the Quartermaster's Department, at Washington, Ark., did go away from his work, get very drunk, and stayed away all day, and until arrested and brought back by a guard sent after him. All this, at or near Washington, Ark., on or about the Fourteenth day of August, 1868."

PLEA.—*To the Specification.*—"Guilty."

*To the Charge.*—"Guilty."

FINDING.—*Of the Specification.*—"Guilty."

*Of the Charge.*—"Guilty."

SENTENCE.—"To forfeit to the United States five dollars of his pay."

15. Private PATRICK McDONNELL, Company H, Twenty-eighth Infantry.

CHARGE.—"Conduct to the prejudice of good order and military discipline."

*Specification First.*—"In this, that he, Private Patrick McDonnell, Company H, Twenty-eighth Infantry, being a prisoner in the post guard house, did, while in a state of intoxication—when ordered by the Corporal of the Guard, (Gustavus Grottjohann, Company H, Twenty-eighth Infantry,) to fall out with other prisoners for retreat roll-call—refuse to obey said order, and did use disrespectful and violent language to said Corporal Grottjohann, he being at the time in the execution of his duty. This near Camden, Arkansas, on or about the Fourteenth day of August, 1868."

*Specification Second.*—"In this, that he, Private Patrick McDonnell, Company H, Twenty-eighth Infantry, did forcibly resist Sergeant Peter Jones, Company G, Twenty-eighth Infantry, and Corporal Gustavus Grottjohann, Company H, Twenty-eighth Infantry, when in the execution of their duty as members of the guard, attempting to execute the orders of Second Lieutenant G. H. Radetzki, Twenty-eighth Infantry, Officer of the Day, and did assault and strike with a log of wood, the said Sergeant Jones and Corporal Grottjohann, continuing to use very boisterous and disrespectful language to them, and conducting himself in a most violent manner until restrained by the guard. This near Camden, Arkansas, on or about the Fourteenth day of August, 1868."

*Specification Third.*—"In this, that he, Private Patrick McDonnell, Company, H, Twenty-eighth Infantry, after promising the Sergeant of the Guard, (Peter Jones, Company G, Twenty-eighth Infantry,) if untied, to conduct himself quietly, did, on being untied, rush to the gun-rack, seize a gun therefrom, and did attack the guard with said gun. This at or near Camden, Arkansas, on or about the Fourteenth day of August, 1868."

PLEA.—*To the First Specification.*—"Not Guilty."

*To the Second Specification.*—"Not Guilty."

*To the Third Specification.*—"Not Guilty."

*To the Charge.*—"Not Guilty."

FINDING.—*Of the First Specification.*—"Guilty."

*Of the Second Specification.*—"Guilty, except the words 'Sergcant Jones and.'"



*Of the Third Specification.*—"Guilty, except the words 'did attack the guard with said gun.'"

*Of the Charge.*—"Guilty."

SENTENCE.—"To forfeit ten dollars of his monthly pay for ten months."

16. Private FRANCIS STEVENSON, Company H. Twenty-eighth Infantry.

CHARGE 1ST.—"Violation of the Fiftieth Article of War."

*Specification.*—"In this, that he, Private Francis Stevenson, Company H, Twenty-eighth Infantry, being regularly detailed and mounted as a member of the post guard, at Camden, Arkansas, did leave said guard without urgent necessity, or leave from his superior officer. All this, at camp near Camden, Arkansas, on or about the Ninth day of August, 1863."

CHARGE 2D.—"Absence without leave."

*Specification.*—"In this, that he, Private Francis Stevenson, Company H, Twenty-eighth Infantry, did, without permission from proper authority, absent himself from his guard and camp, from 9 o'clock, A. M., until 12 o'clock, Noon, and from 1 o'clock, P. M., until 3:30 P. M., of the Ninth day of August, 1863. All this at camp, near Camden, Arkansas."

CHARGE 3D.—"Worthlessness, to the prejudice of good order and military discipline."

*Specification.*—"In this, that he, Private Francis Stevenson, Company H, Twenty-eighth Infantry, has, by the use of intoxicating drinks, become utterly worthless as a soldier in the Army of the United States."

CHARGE 4TH.—"Conduct to the prejudice of good order and military discipline."

*Specification.*—"In this, that he, Private Francis Stevenson, Company H, Twenty-eighth Infantry, has, by the excessive use of intoxicating drinks, at various times rendered himself unfit for the performance of his duties as a soldier, and has rendered necessary his confinement in the guard house at his company station, on the following occasions, viz: From November 3 to November 22, 1867; from March 19 to March 28, 1868; on May 17, 1868; from June 24 to June 28, 1868; from July 2 to July 16, 1868, and from August 9 to August 20, 1863, and is at present in confinement. This at post of Little Rock, Arkansas, and post of Camden, Arkansas, on or about the dates above specified."

PLEA.—*To the Specification to the First Charge.*—"Not Guilty."

*To the First Charge.*—"Not Guilty."

*To the Specification to Second Charge.*—"Not Guilty."

*To the Second Charge.*—"Not Guilty."

*To the Specification to Third Charge.*—"Not Guilty."

*To the Third Charge.*—"Not Guilty."

*To the Specification of Fourth Charge.*—"Not Guilty."

*To the Fourth Charge.*—"Not Guilty."

**FINDING.**—*Of the Specification of First Charge.*—"Guilty."

*Of the First Charge.*—"Guilty."

*Of the Specification of Second Charge.*—"Guilty, except the words 'from 9 o'clock, A. M., until 12 o'clock, Noon.'"

*Of the Second Charge.*—"Guilty."

*Of the Specification of Third Charge.*—"Not Guilty."

*Of the Third Charge.*—"Not Guilty."

*Of the Specification of Fourth Charge.*—"Not Guilty."

*Of the Fourth Charge.*—"Not Guilty."

**SENTENCE.**—"To forfeit twelve dollars of his monthly pay during the balance of his term of his enlistment."

17. Sergeant ROBERT L. TOLSON, Company K, Twenty-eighth Infantry.

**CHARGE.**—"Conduct to the prejudice of good order and military discipline."

*Specification.*—"In this, that he, Sergeant Robert L. Tolson, Company K, Twenty-eighth Infantry, did falsely report to Lieutenant John A. Payne, Twenty-eighth Infantry, Post Adjutant, that the detail from Company F, Twenty-eighth Infantry, ordered to go with him on detached service to Spoonville, Arkansas, was picked with the intention of sending the poorest men of the company, or words to that effect. This, at the post of Washington, Arkansas, on or about the Thirty-first day of August, 1868."

**PLEA.**—*To the Specification.*—"Not Guilty."

*To the Charge.*—"Not Guilty."

**FINDING.**—*Of the Specification.*—"Guilty."

*Of the Charge.*—"Guilty."

**SENTENCE.**—"To forfeit five dollars of his monthly pay per month for four months."

18. Private JOSEPH WELLS, Company K, Twenty-eighth Infantry.

**CHARGE.**—"Conduct to the prejudice of good order and military discipline."

*Specification.*—"In this, that he, Private Joseph Wells, Company K, Twenty-eighth Infantry, he being regularly detailed and placed on duty in the Quartermaster's Department as carpenter, and having been ordered to go to work on the roof of the bake-house at this post, failed to do so, but went away without leave, and stayed away until arrested by a guard sent after him. This, at or near Washington, Arkansas, on or about the Fourteenth day of August, 1868."

**PLEA.**—*To the Specification.*—"Not Guilty."

*To the Charge.*—"Not Guilty."

**FINDING.**—*Of the Specification.*—"Guilty."

*Of the Charge.*—"Guilty."

SENTENCE.—“To forfeit ten dollars per month of his monthly pay for two months.”

19. Private EPHRAIM B. MAPLES, Company F, Twenty-eighth Infantry.

CHARGE.—“Conduct to the prejudice of good order and military discipline.”

*Specification.*—“In this, that he, Private Ephraim B. Maples, Company F, Twenty-eighth Infantry, did, while he was a member of the guard at this post, allow the following named prisoners, viz: Musician Matthew McNamara, Company F, Twenty-eighth Infantry, Private James Corcoran, Company F, Twenty-eighth Infantry, and Private James Dunn, Company F, Twenty-eighth Infantry, while they were to work under his charge, to get whiskey, and did lay down his rifle and sit down and drink whiskey with them; and did allow the said prisoners to get drunk, so that they got fighting; and when spoken to about it by Private John Riley, Company F, Twenty-eighth Infantry, did tell him ‘to go to hell, and mind his own business.’ All this at or near Washington, Ark., on or about the Thirty-first day of August, 1868.”

PLEA.—*To the Specification.*—“Not Guilty.”

*To the Charge.*—“Not Guilty.”

FINDING.—*Of the Specification.*—“Guilty.”

*Of the Charge.*—“Guilty.”

SENTENCE.—“To forfeit five dollars per month of his monthly pay for the period of twelve months.”

20. Sergeant CHARLES E. BURT, Company F, Twenty-eighth Infantry.

CHARGE 1ST.—“Conduct to the prejudice of good order and military discipline.”

*Specification.*—“In this, that he, Sergeant Charles E. Burt, Company F, Twenty-eighth Infantry, did report at the quarters of his company commander, Brevet Major Howard E. Stansbury, Captain, Twenty-eighth Infantry, in a state of intoxication. This at the post of Washington, Ark., on or about the Fourth day of September, 1868.”

CHARGE 2D.—“Neglect of duty.”

*Specification.*—“In this, that he, Sergeant Charles E. Burt, Company F, Twenty-eighth Infantry, being on duty as Quartermaster Sergeant of his company, and required to make out the returns of his department, did fail to make out the returns of clothing, camp and garrison equipage, for the month of August, 1868, in the time required by regulations. This at the post of Washington, Ark., on or about the month of September, 1868.”

PLEA.—*To the Specification to First Charge.*—“Not Guilty.”

*To the First Charge.*—“Not Guilty.”

*To the Specification to Second Charge.*—“Not Guilty.”

*To the Second Charge.*—“Not Guilty.”

**FINDING.**—*Of the Specification of First Charge.*—"Guilty."

*Of the First Charge.*—"Guilty."

*Of the Specification of Second Charge.*—"Guilty, except the words, 'although several times cautioned to do so.'"

*Of the Second Charge.*—"Guilty."

**SENTENCE.**—"To be reduced to the ranks, and to forfeit five dollars per month of his monthly pay for five months."

21. Private BENJAMIN F. FRAZEE, Company K, Twenty-eighth Infantry.

**CHARGE.**—"Conduct to the prejudice of good order and military discipline."

**Specification.**—"In this, that he, Private Benjamin F. Frazee, Company K, Twenty-eighth Infantry, did become drunk and disorderly, and did disturb the public peace. This in the town of Washington, Ark., on or about July 25th, 1868."

**PLEA.**—*To the Specification.*—"Not Guilty."

*To the Charge.*—"Not Guilty."

**FINDING.**—*Of the Specification.*—"Not Guilty."

*Of the Charge.*—"Not Guilty."

"And does therefore acquit him."

## II. The proceedings and findings in the cases of—

Musician John G. Hender, Company K, Twenty-eighth Infantry,

Private Patrick Burns,	"	F,	"	"
" George Willis,	"	"	"	"
" John A. Case,	"	"	"	"
" Ludwig Kohne,	"	"	"	"
" Patrick Roche,	"	"	"	"
" O. C. Gunderson,	"	K,	"	"
" John Holton,	"	F,	"	"
Artificer Bernard Lockhard,	"	"	"	"
Private William Smith,	"	"	"	"
" Baxter Johnson,	"	"	"	"
Artificer John Tyson,	"	"	"	"
Private John Armstrong,	"	"	"	"
" Patrick McDonnell,	"	H,	"	"
Sergeant Robert L. Tolson,	"	K,	"	"
Private Joseph Wells,	"	"	"	"
" Ephraim B. Maples,	"	F,	"	"

are approved. The sentences are confirmed and will be duly executed. Private Burns will be confined in charge of the guard at the post where his company may be serving.

The proceedings, findings and acquittal in the case of Private Benjamin Frazee, Company K, Twenty-eighth Infantry, are approved. He will be released from confinement and restored to duty.

The proceedings in the case of Private Peter Kennedy, Company F, Twenty-eighth Infantry, are disapproved, for the reason that it does not appear that the accused was allowed to plead. The findings and acquittal are approved. He will be released from confinement and restored to duty.

The proceedings in the case of Private Francis Stevenson, Company H, Twenty-eighth Infantry, are disapproved, on account of variance in the name of the accused as appearing in the record. In the specification it is Stevenson, in the sentence Steveson. The third charge in this case—"worthlessness"—does not strictly name an offence under the Ninety-ninth or any other Article of War. A soldier may properly be tried under the Ninety-ninth Article for a course of *conduct*—such as the specification to this charge describes—which results in rendering him utterly worthless; and it is with that only he should be charged. He will be released from confinement and restored to duty.

The proceedings in the case of Sergeant Charles E. Bart, Company F, Twenty-eighth Infantry, are approved. The findings upon the first charge and its specifications are approved; upon the second charge and its specifications they are disapproved. The accused was charged with neglect of duty, in that he failed to make the returns of clothing, camp and garrison equipage for the company within the time required by Army Regulations. The Commanding General is greatly surprised that the Court viewed this charge in the manner indicated by its finding. These returns are required of the commissioned officer commanding the company, and no enlisted man can properly be held responsible for them. The company commander can unquestionably require any soldier of his company to perform the clerical labor involved, and if disobeyed should institute proceedings against him under the Ninth Article of War; but the attempt to hold him responsible for the performance of a duty required solely of the company commander, displays a gross misapprehension of the duties of such commander on the part of both himself and the Court. The sentence is confirmed and will be duly executed.

BY COMMAND OF BREVET MAJOR GENERAL L. H. ROUSSEAU:

THOS. H. NEILL,

Major, Twentieth Infantry, Brevet Brigadier General, U. S. A.,  
OFFICIAL: Acting Assistant Adjutant General.

*Camille Dubauk*  
Sec. Lieut., Thirty-seventh Inf., Bvt. First Lieut., U. S. A.,  
Acting Assistant Adjutant General.



HEADQUARTERS, DEPARTMENT OF LOUISIANA,

GENERAL ORDERS }  
No. 29.

New Orleans, La., Oct. 15, 1868.

I. Before a General Court Martial which convened at Fort Smith, Arkansas, by virtue of Paragraph 3, Special Orders No. 17, current series, from these Headquarters, and of which Lieutenant Colonel Pinckney Lugenbeel, Nineteenth Infantry, is President, were arraigned and tried:

1. Artificer CHARLES W. MOFFITT, Company K, Nineteenth Infantry.

CHARGE.—“Violation of the Forty-fifth Article of War—drunkenness on duty.”

*Specification.*—“In this, that he, Artificer Charles W. Moffitt, Company K, Nineteenth Infantry, did appear in an intoxicated condition on dress parade, on the evening of September 8th, 1868, which rendered him incapable to stand in the ranks. This at Fort Smith, Arkansas, on or about the date above specified.”

PLEA.—*To the Specification.*—“Guilty.”

*To the Charge.*—“Guilty.”

FINDING.—*Of the Specification.*—“Guilty.”

*Of the Charge.*—“Guilty.”

SENTENCE.—“To be confined at hard labor in charge of the guard for the period of three months from September 11th, 1868.”

2. Private WILLIAM KAYSER, Company G, Nineteenth Infantry.

CHARGE.—“Desertion.”

*Specification.*—“In this, that he, Private William Kayser, Company G, Nineteenth Infantry, did desert the service of the United States from the post of Dover, Arkansas, on or about the Twenty-third day of July, 1867, and did remain absent until apprehended near Lewisburg, Arkansas, on or about the Nineteenth day of July, 1868. All this at Dover, Arkansas, on or about the Twenty-third day of July, 1867.”

PLEA.—*To the Specification.*—“Guilty.”

*To the Charge.*—“Guilty.”

FINDING.—*Of the Specification.*—“Guilty.”

*Of the Charge.*—“Guilty.”

SENTENCE.—“To be dishonorably discharged the military service of the United States, with loss of all pay and allowances, now due or to become due, except the just dues of the laundress; and to be confined in such penitentiary as the Commanding General may designate, until May 1st, 1870.”

3. Private PATRICK LYNCH, Company K, Nineteenth Infantry.

**CHARGE.**—"Violation of the Forty-sixth Article of War—sleeping on post."

**Specification.**—"In this, that he, Private Patrick Lynch, Company K, Nineteenth Infantry, being a member of the guard mounted at Fort Smith, Arkansas, and having been duly posted as a sentinel on post No. 7, on the Twenty-fifth of July, 1868, did wilfully neglect his duty by sleeping on post, and was found so asleep by First Lieutenant Oliver Wetmore, Jr., Nineteenth Infantry, Officer of the Day, between the hours of 4 and 5, A. M., on the Twenty-sixth of July, 1868. All this on or about the time and dates above specified at Fort Smith, Arkansas."

**PLEA.**—*To the Specification.*—"Not Guilty."

*To the Charge.*—"Not Guilty."

**FINDING.**—*Of the Specification.*—"Guilty."

*Of the Charge.*—"Guilty."

**SENTENCE.**—"To be confined at hard labor in charge of the guard with an iron ball weighing twenty-four pounds attached to his left leg by a chain three and one-half feet in length, for the period of six months, from the Fourteenth day of September 1868; and to forfeit to the United States ten dollars per month of his monthly pay for the same time."

4. Private CHARLES MATNEY, Company F, Nineteenth Infantry.

**CHARGE.**—"Conduct to the prejudice of good order and military discipline."

**Specification First.**—"In this, that he, Private Charles Matney, Company F, Nineteenth Infantry, having been duly detailed for guard, did absent himself from guard mounting on the morning of the Twenty-seventh day of August, 1868."

**Specification Second.**—"In this, that he, Private Charles Matney, Company F, Nineteenth Infantry, did absent himself without permission from competent authority, from his company quarters and the Garrison at Fort Smith, Ark., from about 6 o'clock, A. M., on the Twenty-seventh day of August, until about 4 o'clock, A. M. of the Thirtieth day of August, 1868, at which time he returned to camp in such a state of intoxication as to be unfit for the performance of any duty."

**Specification Third.**—"In this, that he, Private Charles Matney, Company F, Nineteenth Infantry, has, from the constant and excessive use of intoxicating liquors, become an incorrigible drunkard, necessitating his confinement in the post guard house during the period of one year, from August 28th to August 30th, 1867, from September 27th to September 30th, 1867, from May 8th to May 10th, 1868, from May 10th to May 22d, 1868, from August 19th to August 22d, 1868, and from August 30th to September 1st, 1868. All this at or near Fort Smith, Arkansas."



PLEA.—*To the First Specification.*—"Guilty."

*To the Second Specification.*—"Guilty."

*To the Third Specification.*—"Guilty to all, excepting the words 'become an incorrigible drunkard, necessitating' and substituting for the word 'necessitating,' the word 'necessitated.'"

*To the Charge.*—"Guilty."

FINDING.—*Of the First Specification.*—"Guilty."

*Of the Second Specification.*—"Guilty."

*Of the Third Specification.*—"Guilty, except the words 'become an incorrigible drunkard, necessitating,' and substituting for the word 'necessitating' the word 'necessitated.'"

*Of the Charge.*—"Guilty."

SENTENCE.—"To be confined at hard labor in charge of the guard for the period of three months, from September 14th, 1868, and to forfeit to the United States ten dollars of his monthly pay per month during the same time."

5. Private JOHN MURPHY, Company E, Nineteenth Infantry.

CHARGE.—"Conduct to the prejudice of good order and military discipline."

*Specification.*—"In this, that he, Private John Murphy, Company E, Nineteenth Infantry, did beat, strike and kick, his wife, Mrs. John Murphy, a laundress of E, Company, Nineteenth Infantry, in a shameful and outrageous manner, bruising and cutting her person, so as to render her unfit to perform her duties as laundress of the company. This, at her quarters on the government reservation at Fort Smith, Ark., on the morning of September 3d, 1868."

PLEA.—*To the Specification.*—"Not Guilty."

*To the Charge.*—"Not Guilty."

FINDING.—*Of the Specification.*—"Guilty."

*Of the Charge.*—"Guilty."

SENTENCE.—"To be confined at hard labor in charge of the guard for three months from September 15th, 1868."

6. Private LOUIS DOSS, Company G, Nineteenth Infantry.

CHARGE.—"Conduct to the prejudice of good order and military discipline."

*Specification.*—"In this, that he, Private Louis Doss, Company G, Nineteenth Infantry, did take and steal from the office safe belonging to Captain T. A. Baldwin, Nineteenth Infantry, monies to the amount of fifty dollars belonging to Artificer Martin Brooks, Company G, Nineteenth Infantry, who had deposited said money with Captain T. A. Baldwin, Nineteenth Infantry, for safe keeping, and did appropriate said money to his own private use. All this at Fort Smith, Ark., on or about September 5th, 1868."

PLEA.—*To the Specification.*—"Not Guilty."

*To the Charge.*—"Not Guilty."

FINDING.—*Of the Specification.*—"Guilty."

*Of the Charge.*—"Guilty."

SENTENCE.—"To be confined at hard labor in charge of the guard with a ball and chain attached to his left leg until the Fifteenth day of September, 1869, and to forfeit ten dollars of his pay per month for six months from March 15th, 1869."

7. Private LAWRENCE RICHARDS, Company D, Nineteenth Infantry.

CHARGE.—"Conduct to the prejudice of good order and military discipline."

*Specification First.*—"In this, that he, Private Lawrence Richards, Company D, Nineteenth Infantry, did become so much intoxicated as to be unable to attend to his duty. This at Fayetteville, Ark., on or about the Second and Thirteenth days of March, 1868, the Third day of April, 1868, the Fourteenth and Twentieth days of May, 1868, and the Sixth day of June, 1868."

*Specification Second.*—"In this, that he, Private Lawrence Richards, Company D, Nineteenth Infantry, was, by reason of his drunkenness and bad conduct during the three months beginning March 2d, 1868, and ending June 2d, 1868, confined in the guard house for the space of thirty days, to-wit: From March 2d to March 9th, from March 13th to March 15th, from April 3d to April 13th, from May 2d to May 23d, 1868, thus depriving the Government of his services for that period. This at Fayetteville, Ark., from and between the dates of March 2d, 1868, and June 2d, 1868."

*Specification Third.*—"In this, that he, Private Lawrence Richards, Company D, Nineteenth Infantry, has by reason of his constant drunkenness, rendered himself unreliable as a soldier, a disgrace to the service to which he belongs, and a useless expense to the Government. This at Fayetteville, Ark., from and between the dates of March 2d, 1868, and June 2d, 1868."

PLEA.—*To the First Specification.*—"Guilty."

*To the Second Specification.*—"Guilty."

*To the Third Specification.*—"Guilty."

*To the Charge.*—"Guilty."

FINDING.—*Of the First Specification.*—"Guilty."

*Of the Second Specification.*—"Guilty."

*Of the Third Specification.*—"Guilty."

*Of the Charge.*—"Guilty."

SENTENCE.—"To forfeit to the United States all pay and allowances now due or to become due, excepting the just dues of the laundress, and to be dishonorably discharged the military service of the United States."

8. Private JOHN BOLINGER, Company K, Nineteenth Infantry.

CHARGE.—“Violation of the Forty-sixth Article of War—sleeping on post.”

*Specification.*—“In this, that he, Private John Bolinger, K Company, Nineteenth Infantry, having been regularly detailed and posted as a member of the post guard on the Twenty-first instant, was found sleeping on post by the Corporal of the guard. All this at or near Fort Smith, Ark., on or about the Twenty-first day of September, 1868.”

PLEA.—*To the Specification.*—“Not Guilty.”

*To the Charge.*—“Not Guilty.”

FINDING.—*Of the Specification.*—“Guilty.”

*Of the Charge.*—“Guilty.”

SENTENCE.—“To be confined at hard labor in charge of the guard with an iron ball weighing twenty-four pounds attached to his left leg by an iron chain three and one-half feet in length, for the period of six months, from the Twenty-third of September, 1868, and to forfeit to the United States ten dollars of his pay per month for the same time.”

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II. The proceedings and findings in the foregoing cases are approved.

In the cases of Privates Louis Doss, Company G, and Lawrence Richards, Company D, Nineteenth Infantry, the sentences are confirmed and will be duly executed.

In the case of Private William Kayser, Company G, Nineteenth Infantry, the sentence is approved, but in consideration of a recommendation to clemency by the Court it is remitted. He will be released from confinement and restored to duty.

In the cases of—

Private John Murphy, Company E, Nineteenth Infantry,

“ Charles Matney, “ F, “ “

“ Patrick Lynch, “ K, “ “

“ John Bolinger, “ “ “ “

Artificer Charles W. Moffitt, “ “ “ “ the sentences are disapproved.

The Court greatly misconceived its duty in these cases in attempting to appoint the dates upon which the execution of the sentences of imprisonment should commence. Sentences of Military Courts have no legal effect until approved by the proper reviewing officer. The term of imprisonment to which a soldier is sentenced commences on the day he is delivered to the officer charged with the execution of the order for his confinement. This delivery cer-

tainly cannot take place until after the promulgation of the action of the reviewing officer and should take place at the earliest practicable date thereafter. In these cases the Court have provided that the imprisonment shall commence upon the very day each case is tried—before the sentences have any force whatever. It is not believed that any officer in this Department, so misapprehends his duty as to attempt to execute such sentences.

The prisoners will be released from confinement and restored to duty.

BY COMMAND OF BREVET MAJOR GENERAL L. H. ROUSSEAU:

**THOS. H. NEILL,**

Major, Twentieth Infantry, Brevet Brigadier General, U. S. A.,  
Acting Assistant Adjutant General.

OFFICIAL:

*Samuel D. D. D.*  
Sec. Lieut., Thirty-seventh Inf., Bvt. First Lieut., U. S. A.,  
Acting Assistant Adjutant General.

HEADQUARTERS, DEPARTMENT OF LOUISIANA,

GENERAL ORDERS }  
No. 21.

New Orleans, La., Oct. 19, 1868.

I. Before a General Court Martial which convened at Jackson Barracks, La., by virtue of Paragraph 1, Special Orders No. 33, current series, from these Headquarters, and of which Lieutenant Colonel William H. Wood, First Infantry, is President, were arraigned and tried:

1. Private JOHN A. GALLAGHAN, Company B, First Infantry.

CHARGE 1ST.—“Violation of the Forty-fifth Article of War.”

*Specification.*—“In this, that he, Private John A. Gallagher, Company B, First Infantry, having been duly detailed as a member of the guard, was found drunk on his guard. This at New Orleans, La., on or about September 12th, 1868.”

CHARGE 2D.—“Conduct to the prejudice of good order and military discipline.”

*Specification First.*—“In this, that he, Private John A. Gallagher, Company B, First Infantry, did, while under the influence of intoxicating liquors, conduct himself in a very boisterous and disgraceful manner. This at New Orleans, La., on the Twelfth day of September, 1868, between the hours of 10 and 11 o'clock, P. M.”

*Specification Second.*—“In this, that he, Private John A. Gallagher, Company B, First Infantry, after being taken in charge by the guard for his disorderly conduct, and ordered by his company commander, Captain William H. Sterling, First Infantry, to be confined, did resist the guard until overpowered by the same. This, at New Orleans, La., on the Twelfth day of September, 1868, between the hours of 10 and 11 o'clock, P. M.”

PLEA.—*To the Specification of First Charge.*—“Guilty.”

*To the First Charge.*—“Guilty.”

*To the First Specification of Second Charge.*—“Guilty.”

*To the Second Specification of Second Charge.*—“Guilty.”

*To the Second Charge.*—“Guilty.”

FINDING.—*Of the Specification of First Charge.*—“Guilty.”

*Of the First Charge.*—“Guilty.”

*Of the First Specification of Second Charge.*—“Guilty.”

*Of the Second Specification of Second Charge.*—“Guilty.”

*Of the Second Charge.*—“Guilty.”

SENTENCE.—“To be confined at hard labor in charge of the guard for six months, and to forfeit to the United States ten dollars per month of his monthly pay for the same period.”

2. Wagoner JOHN J. TANDY, Company B, First Infantry.

CHARGE 1ST.—“ Violation of the Forty-fifth Article of War.”

*Specification.*—“ In this, that he, Wagoner John J. Tandy, Company B, First Infantry, was found drunk, while on duty with his company, doing guard duty at the U. S. Mint, in the city of New Orleans, La., during the night of the Twelfth and Thirteenth of September, 1868. This at New Orleans, La.”

CHARGE 2D.—“ Conduct to the prejudice of good order and military discipline.”

*Specification First.*—“ In this, that he, Wagoner John J. Tandy, Company B, First Infantry, was drunk and disorderly, while with his company on board of the steamer ‘Ella Morse,’ en route from New Orleans, to Jackson Barracks, La., between the hours of 1 and 2 o’clock, A. M., on the Thirteenth of September, 1868.”

*Specification Second.*—“ In this, that he, Wagoner John J. Tandy, Company B, First Infantry, after being ordered by the Sergeant of the Guard—Sergeant Frederick H. Green, Company B, First Infantry—to give up his arms to Private Charles Quinn, Company B, First Infantry, a member of the guard, did reply, ‘I’ll be —— if I give my musket to any —— man as long as I have sixty rounds of ammunition about me,’ or words to that effect. This on board of the steamer ‘Ella Morse,’ en route from New Orleans to Jackson Barracks, La., between the hours of 1 and 2 o’clock, A. M., on the Thirteenth of September, 1868.”

*Specification Third.*—“ In this, that he, Wagoner John J. Tandy, Company B, First Infantry, after being ordered by First Lieutenant F. E. Pierce, First Infantry, to deliver his arms to the Sergeant of the Guard—Sergeant Frederick H. Green, Company B, First Infantry—did refuse to do so and did resist the guard until disarmed by force. This on board the steamer ‘Ella Morse,’ en route from New Orleans to Jackson Barracks, La., between the hours of 1 and 2 o’clock, A. M., on the Thirteenth of September, 1868.”

PLEA.—*To the Specification of First Charge*—“ Guilty.”

*To the First Charge.*—“ Guilty.”

*To the First Specification of Second Charge.*—“ Guilty.”

*To the Second Specification of Second Charge.*—“ Not Guilty.”

*To the Third Specification of Second Charge.*—“ Guilty.”

*To the Second Charge.*—“ Guilty.”

FINDING.—*Of the Specification of First Charge.*—“ Guilty.”

*Of the First Charge.*—“ Guilty.”

*Of the First Specification of Second Charge.*—“ Guilty.”

*Of the Second Specification of Second Charge.*—“ Guilty, with the exception of the words ‘the Sergeant of the Guard—Sergeant Frederick H. Green, of Company B, First Infantry’—and sub-

stituting therefor, 'Private Charles Quinn, Company B, First Infantry, member of the guard.' "

*Of the Third Specification of Second Charge.*—"Guilty."

*Of the Second Charge.*—"Guilty."

SENTENCE.—"To be confined at hard labor in charge of the guard at such place as the Commanding General may direct for the period of six months, and to forfeit to the United States ten dollars per month of his monthly pay for the same period."

3. Private WILLIAM LOTON, Company F, First Infantry.

CHARGE.—"Desertion."

*Specification.*—"In this, that he, Private William Loton, Company F, First Infantry, a duly enlisted soldier in the service of the United States, did desert the same at Jackson Barracks, New Orleans, La., on the Third day of April, 1867, and did remain absent until apprehended at Miliken, Texas, on the Thirtieth day of July, 1868. Reward of thirty dollars due for apprehension. All this on the dates and at the places above mentioned."

PLEA.—*To the Specification.*—"Not Guilty."

*To the Charge.*—"Not Guilty."

FINDING.—*Of the Specification.*—"Guilty."

*Of the Charge.*—"Guilty."

SENTENCE.—"To forfeit to the United States all pay and allowances that are now due, or that may become due him; to be indelibly marked with the letter 'D,' one and a half inches in length on his left hip; and three days thereafter to be dishonorably discharged and drummed out of the service in presence of the Command to which he belongs; and afterwards to be confined at hard labor at such place as the Commanding General may direct for the period of three years, wearing a ball weighing twenty-four pounds, attached to his left leg by a chain three feet in length."

4. Private HIRAM SPANGINBERG, Company E, First Infantry.

CHARGE 1st.—"Absence without leave."

*Specification.*—"In this, that he, Private Hiram Spanginberg, Company E, First Infantry, did absent himself without permission from proper authority, from his company and quarters, from after tattoo roll-call on the evening of September 4th, 1868, until 12:30, P. M., on the afternoon of September 5th, 1868, when he was arrested and brought back by a file of the guard. This at or near post at Amite, La., on or about the dates above specified."

CHARGE 2d.—"Disobedience of orders."

*Specification First.*—"In this, that he, Private Hiram Spanginberg, Company E, First Infantry, did visit the town of Amite, La., without permission from proper authority, this in direct violation of Special Orders No. 6, dated Headquarters, Amite, La., October 18th,

1867. This at or near post at Amite, La., on or about the dates above specified."

*Specification Second*—"In this, that he, Private Hiram Spangenberg, Company E, First Infantry, being seen in the town of Amite, La., by his commanding officer, Brevet Major R. H. Offley, Captain, First Infantry, on the morning of September 5th, 1868, and having been ordered by his commanding officer, Brevet Major R. H. Offley, Captain, First Infantry, to come to him, the said Brevet Major R. H. Offley, did fail to comply with said order, but did continue to proceed on his way through the town of Amite, La. This at or near post at Amite, La., on or about the dates above specified."

*Specification Third*.—"In this, that he, Private Hiram Spangenberg, Company E, First Infantry, did, after the file of the guard had been ordered by Brevet Major R. H. Offley, Captain, First Infantry, to halt, did fail to comply with said order, but attempted to escape from said file of the guard by running; and did continue to run until caught by Sergeant Orin A. Marvin, Company E, First Infantry, in charge of said file of the guard, and brought back to his company quarters. All this at or near post of Amite, La., on or about the dates above specified."

PLEA.—*To the Specification of First Charge.*—"Guilty."

*To the First Charge.*—"Guilty."

*To the First Specification of Second Charge.*—"Guilty."

*To the Second Specification of Second Charge.*—"Not Guilty."

*To the Third Specification of Second Charge.*—"Not Guilty."

*To the Second Charge.*—"Guilty."

FINDING.—*Of the Specification of First Charge.*—"Guilty."

*Of the First Charge.*—"Guilty."

*Of the First Specification of Second Charge.*—"Guilty."

*Of the Second Specification of Second Charge.*—"Guilty."

*Of the Third Specification of Second Charge.*—"Guilty."

*Of the Second Charge.*—"Guilty."

SENTENCE.—"To be confined at hard labor in charge of the guard for the period of four months; and to forfeit to the United States twelve dollars per month of his monthly pay for the same period."

5. Private JOHN MOLONEY, Company E, First Infantry.

CHARGE.—"Conduct prejudicial to good order and military discipline."

*Specification First*.—"In this, that he, the said Private John Moloney, Company E, First Infantry, did become drunk while on the sick report of his company, and when ordered to his tent by First Sergeant William Rowley, Company E, First Infantry, did fail to obey said order by absenting himself from his company and post. All this at or near post of Amite, La., on or about the Ninth day of August, 1868."



*Specification Second.*—"In this, that he, the said Private John Moloney, Company E, First Infantry, while on the sick report of his company, did, without permission from proper authority, absent himself from his company and post by visiting the city of Amite, La., and remain so absent until apprehended and brought back drunk by Corporal Michael Callahan and Privates John Sheehan and Henry P. Milton, Company E, First Infantry, and members of the guard. All this at or near post of Amite, La., on or about the Ninth day of August, 1868."

*Specification Third.*—"In this, that he, the said Private John Moloney, Company E, First Infantry, while in confinement and under charge of the guard, did call First Sergeant William Rowley, of said company and regiment, a '———.' All this at or near post of Amite, La., on or about the Ninth day of August, 1868."

*Specification Fourth.*—"In this, that he, the said Private John Moloney, Company E, First Infantry, while in confinement and under charge of the guard, did call Corporal Michael Callahan, of said company, and in charge of said guard, a '———,' and did throw at him, the said Corporal Michael Callahan, two bowls. All this at or near the post of Amite, La., on or about the Ninth day of August, 1868."

PLEA.—*To the First Specification.*—"Guilty."

*To the Second Specification.*—"Guilty."

*To the Third Specification.*—"Not Guilty."

*To the Fourth Specification.*—"Not Guilty."

*To the Charge.*—"Guilty."

FINDING.—*Of the First Specification.*—"Guilty."

*Of the Second Specification.*—"Guilty."

*Of the Third Specification.*—"Guilty."

*Of the Fourth Specification.*—"Guilty."

*Of the Charge.*—"Guilty."

SENTENCE.—"To be confined at hard labor in charge of the guard for the period of three months; and to forfeit to the United States ten dollars per month of his monthly pay for a like period."

6. Private CHARLES GOTLIEB, Company E, First Infantry.

CHARGE 1ST.—"Absence without leave."

*Specification.*—"In this, that he, Private Charles Gotlieb, Company E, First Infantry, did absent himself, without permission from proper authority, from his company and quarters from after tattoo roll-call, on the evening of September 4th, 1868, until 12:30, P. M., on the afternoon of September 5th, 1868, when he was arrested and brought back by a file of the guard. This at or near post at Amite, La., on or about the dates above specified."

CHARGE 2D.—"Disobedience of orders."

*Specification First.*—"In this, that he, Private Charles Gotlieb, Company E, First Infantry, being seen in the town of Amite, La., by his commanding officer, Brevet Major R. H. Offley, Captain, First Infantry, on the morning of September 5th, 1868, and having been ordered by his commanding officer, Brevet Major R. H. Offley, Captain, First Infantry, to come to him, the said Brevet Major R. H. Offley, did fail to comply with said order, but continued to proceed on his way through the town of Amite, La. This at or near post of Amite, La., on or about the dates above specified."

*Specification Second.*—"In this, that he, Private Charles Gotlieb, Company E, First Infantry, did, after a file of the guard had been ordered by Brevet Major R. H. Offley, Captain, First Infantry, to arrest him, and after being ordered by Brevet Major R. H. Offley, Captain, First Infantry, to halt, did fail to comply with said order, but attempted to escape from said file of the guard by running, and did continue to run until caught by Sergeant Orin A. Marvin, Company E, First Infantry, in charge of said file of the guard, and brought back to his company quarters. All this at or near post of Amite, La., on or about the dates above specified."

CHARGE 3D.—"Violation of the Forty-fourth Article of War."

*Specification.*—"In this, that he, Private Charles Gotlieb, Company E, First Infantry, having been regularly and properly detailed on the evening of September 4th, 1868, as a member of the guard to be mounted at the post of Amite, La., on the morning of September 5th, 1868, did fail to appear at the place fixed for parade of said guard. This at or near post of Amite, La., on or about the dates above specified."

PLEA.—*To the Specification to First Charge.*—"Guilty."

*To the First Charge.*—"Guilty."

*To the First Specification to Second Charge.*—"Not Guilty."

*To the Second Specification to Second Charge.*—"Not Guilty."

*To the Second Charge.*—"Not Guilty."

*To the Specification to Third Charge.*—"Guilty."

*To the Third Charge.*—"Guilty."

FINDING.—*Of the Specification of First Charge.*—"Guilty."

*Of the First Charge.*—"Guilty."

*Of the First Specification to Second Charge.*—"Guilty."

*Of the Second Specification to Second Charge.*—"Guilty."

*Of the Second Charge.*—"Guilty."

*Of the Specification to Third Charge.*—"Guilty."

*Of the Third Charge.*—"Guilty."

SENTENCE.—"To be confined at hard labor in charge of the guard for the period of five months, and to forfeit to the United States twelve dollars per month of his monthly pay for the same period."

7. Private MICHAEL LEADTHAM, Company K, First Infantry.

CHARGE.—“Violation of the Fiftieth Article of War.”

*Specification.*—“In this, that Private Michael Leadtham, Company K, First Infantry, having been regularly detailed as a member of the guard at Headquarters, Department of Louisiana, on duty from 7:30, P. M., on the Ninth of September, 1868, until 7:30, P. M., on the Tenth of September, 1868, did, without urgent necessity, or leave from his superior officer, quit said guard at 10:30 o'clock, P. M., on the Ninth of September, 1868, and did remain absent until about 7 o'clock, P. M., on the Tenth of September, 1868. This at New Orleans, La., on or about the above dates.”

PLEA.—*To the Specification.*—“Guilty.”

*To the Charge.*—“Guilty.”

FINDING.—*Of the Specification.*—“Guilty.”

*Of the Charge.*—“Guilty.”

SENTENCE.—“To be confined at hard labor in charge of the guard for three months, and to forfeit ten dollars per month of his monthly pay for the same period.”

8. Musician DENIS DOWD, Company A, First Infantry.

CHARGE.—“Conduct prejudicial to good order and military discipline.”

*Specification First.*—“In this, that Musician Denis Dowd, Company A, First Infantry, did absent himself from dress parade and guard mounting without permission from proper authority. This at Sedgwick Barracks, Greenville, La., on or about the Twenty-fourth day of August, 1868.”

*Specification Second.*—“In this, that Musician Denis Dowd, Company A, First Infantry, having been ordered confined in the post guard house by Second Lieutenant George W. Roby, First Infantry, Post Adjutant, did resist Sergeant Thomas Garvin, Company C, First Infantry, (the said Sergeant Thomas Garvin being at the time in the execution of his office,) by striking and knocking him, the said Sergeant Thomas Garvin down. This at Sedgwick Barracks, Greenville, La., on or about the Twenty-fourth day of August, 1868.”

*Specification Third.*—“In this, that Musician Denis Dowd, Company A, First Infantry, having been ordered confined in the post guard house by Second Lieutenant George W. Roby, First Infantry, Post Adjutant, did resist Sergeant Thomas Garvin, Company C, First Infantry, (the said Sergeant Thomas Garvin being at the time in the execution of his office,) and did say in words or figures ‘you——, I will get even with you.’ This at Sedgwick Barracks, Greenville, La., on or about the Twenty-fourth day of August, 1868.”

PLEA.—*To the First Specification.*—“Guilty.”

*To the Second Specification.*—“Not Guilty.”

*To the Third Specification.*—"Not Guilty."

*To the Charge.*—"Guilty."

**FINDING.**—*Of the First Specification.*—"Guilty."

*Of the Second Specification.*—"Not Guilty."

*Of the Third Specification.*—"Guilty, excepting the words

"———,""

*Of the Charge.*—"Guilty."

**SENTENCE.**—"To be confined at hard labor in charge of the guard for the period of three months, and to forfeit to the United States twelve dollars per month of his monthly pay for the same period."

9. Private CHARLES LINDER, Company F, First Infantry.

**CHARGE.**—"Desertion."

*Specification.*—"In this, that he, Private Charles Linder, Company F, First Infantry, having been duly enlisted in the service of the United States, did desert the same at Jackson Barracks, La., on or about the Sixth day of August, 1867, and did remain absent until apprehended at New Orleans, La., September 13th, 1868. Thirty dollars paid for his apprehension. All this on the dates and at the places above mentioned."

**PLEA.**—*To the Specification.*—"Guilty."

*To the Charge.*—"Guilty."

**FINDING.**—*Of the Specification.*—"Guilty."

*Of the Charge.*—"Guilty."

**SENTENCE.**—"To forfeit all pay and allowances that are now due or that may become due him; to be indelibly marked with a letter 'D' one and a half inches in length on his left hip, and three days afterwards to be dishonorably discharged and drummed out of the service in presence of the command to which he belongs; and then to be confined at hard labor for the period of three years at such place as the Commanding General may direct, wearing a ball weighing twenty-four pounds attached to his left leg by a chain three feet in length."

10. Musician EDWARD CONWAY, Company A, First Infantry.

**CHARGE.**—"Conduct prejudicial to good order and military discipline."

*Specification First.*—"In this, that Musician Edward Conway, Company A, First Infantry, did absent himself from dress parade and guard mounting without permission from proper authority. This at Sedgwick Barracks, Greenville, La., on or about the Twenty-fourth day of August, 1868."

*Specification Second.*—"In this, that Musician Edward Conway, Company A, First Infantry, having been ordered confined in the post guard house by Second Lieutenant George W. Roby, First Infantry, Post Adjutant, did resist Sergeant Thomas Garvin, Company

C, First Infantry, (the said Sergeant Thomas Garvin being at the time in the execution of his office,) by striking and knocking him, the said Sergeant Thomas Garvin, down. This at Sedgwick Barracks, Greenville, La., on or about the Twenty-fourth day of August, 1868."

*Specification. Third.*—"In this that Musician Edward Conway, Company A, First Infantry, having been ordered confined in the post guard house by Second Lieutenant George W. Roby, First Infantry, Post Adjutant, did resist Sergeant Thomas Garvin, Company C, First Infantry, (the said Sergeant Thomas Garvin being at the time in the execution of his office,) and did say in words or figures to-wit: 'You --- ---, I will get even with you.' This at Sedgwick Barracks, Greenville, La., on or about the Twenty-fourth day of August, 1868."

PLEA.—*To the First Specification.*—"Guilty."

*To the Second Specification.*—"Not Guilty."

*To the Third Specification.*—"Not Guilty."

*To the Charge.*—"Guilty."

FINDING.—*Of the First Specification.*—"Guilty."

*Of the Second Specification.*—"Guilty, with the exception of the words 'and knocking' and 'down.'"

*Of the Third Specification.*—"Guilty, with the exception of the words '---', I will get even with you.'"

*Of the Charge.*—"Guilty."

SENTENCE.—"To be confined at hard labor in charge of the guard for the period of five months."

11. Private JAMES DOLAN, Light Battery K, First Artillery.

CHARGE.—"Drunkenness on duty, to the prejudice of good order and military discipline."

*Specification.*—"In this, that Private James Dolan, Light Battery K, First Artillery, having been duly detailed for guard duty, did become so drunk as to be unable to properly perform said duty. All this at Sedgwick Barracks, Greenville, La., on or about the Twelfth day of August, 1868."

PLEA.—*To the Specification.*—"Not Guilty."

*To the Charge.*—"Not Guilty."

FINDING.—*Of the Specification.*—"Not Guilty."

*Of the Charge.*—"Not Guilty."

"And the Court does therefore acquit him."

12. Private JOHN BOMAS, Company C, First Infantry.

CHARGE.—"Neglect of duty, to the prejudice of good order and military discipline."

*Specification.*—"In this, that Private John Bomas, Company C, First Infantry, being a member of the post guard, mounted at Sedg-

wick Barracks, Greenville, La., on the morning of the Eighth September, 1868, and having been regularly assigned to post No. 6, a supernumerary post, did, while in charge of three prisoners, at or about 8, A. M., on the morning of the Ninth September, 1868, allow them to purchase or procure a bottle or bottles of whisky and convey the same into the prison room of the guard house. This at Greenville, La., on or about the Ninth day of September, 1868."

PLEA.—*To the Specification.*—"Not Guilty."

*To the Charge.*—"Not Guilty."

FINDING.—*Of the Specification.*—"Not Guilty."

*Of the Charge.*—"Not Guilty."

"And the Court does therefore acquit him."

13. Private THOMAS JONES, Company C, First Infantry.

CHARGE.—"Violation of the Forty-fifth Article of War."

*Specification.*—"In this, that he, Private Thomas Jones, Company C, First Infantry, being a member of the guard stationed at Greenville, La., did become drunk, so much so, as to be utterly incapable of performing his duties as a member of said guard. This at Greenville, La., on or about the Eleventh day of September, 1868."

PLEA.—*To the Specification.*—"Guilty."

*To the Charge.*—"Guilty."

FINDING.—*Of the Specification.*—"Guilty."

*Of the Charge.*—"Guilty."

SENTENCE.—"To be confined at hard labor in charge of the guard for the period of four months."

II. The proceedings and findings in the foregoing cases are approved. The sentences in the cases of—

Musician Denis Dowd, Company A, First Infantry,

" Edward Conway, " " " "

Private John A. Gallagher, Company B, First Infantry,

Wagoner John J. Tandy, " " " "

Private Thomas Jones, " C, " "

" John Bomas, " " " "

" Charles Gotlieb, " E, " "

" John Moloney, " " " "

" Hiram Spanginberg, " " " "

" William Loton, " F, " "

" Michael Leadtham, " K, " "

" James Dolan, Light Battery K, First Artillery, are confirmed and will be duly executed.

In the cases of Wagoner Tandy and Private Loton, Ship Island, Miss., is designated as the place of confinement.

Upon the recommendation to clemency by the Court so much of the sentence in the case of Private Linder as provides that he "be indellibly marked with a letter 'D,' one and one-half inches in length on his left hip, and that he be confined at hard labor for the period of three years at such place as the Commanding General may direct, wearing a ball weighing twenty-four pounds attached to his left leg by a chain three feet in length," is remitted. The remainder is confirmed and will be duly executed upon receipt of this order at the post where he may be serving.

BY COMMAND OF BREVET MAJOR GENERAL L. H. ROUSSEAU:

THOS. H. NEILL,

Major, Twentieth Infantry, Brevet Brigadier General, U. S. A.,

OFFICIAL:

Acting Assistant Adjutant General.

*Amiel*  
 Sec. Lieut., Thirty-seventh Inf., Bvt. First Lieut., U. S. A.,  
 Acting Assistant Adjutant General.





HEADQUARTERS, DEPARTMENT OF LOUISIANA,

GENERAL ORDERS }  
No. 22.

New Orleans, La., Oct. 24, 1868.

I. Before a General Court Martial which convened at Fort Smith, Arkansas, by virtue of Paragraph 3, Special Orders No. 17, current series, from these Headquarters, of which Lieutenant Colonel Pinckney Lugenbeel, Nineteenth Infantry, is President, were arraigned and tried:

1. Corporal SAMUEL B. HENDERSON, Company I, Nineteenth Infantry.

CHARGE 1ST.—“Conduct prejudicial to good order and military discipline.”

*Specification.*—“In this, that he, Corporal Samuel B. Henderson, Company I, Nineteenth Infantry, after being duly detailed and mounted as non-commissioned officer in charge of the regular post guard, mounted at the post of Dover, Ark., on the morning of the Twenty-third day of July, 1868, did allow the sentinels on post to quit their post, lay aside their arms, and sit on a chair in the entry of the guard house, while he, the said Corporal Samuel B. Henderson, sat in the said entry engaged in playing cards with the enlisted men belonging to the guard. All this at Dover, Ark., on or about the Twenty-third day of July, 1868.”

CHARGE 2D.—“Neglect of duty.”

*Specification.*—“In this, that he, the said Corporal Samuel B. Henderson, Company I, Nineteenth Infantry, after having been duly detailed and mounted as non-commissioned officer in charge of the regular post guard at the post of Dover, Ark., on the morning of the Twenty-third day of July, 1868, and being the only non-commissioned officer mounted with said guard, did fail, refuse and neglect to accompany the relief when going round for the purpose of relieving the sentinels, but did allow said relief to go round unaccompanied by any non-commissioned officer, and relieve themselves at their own pleasure. This while he, the said Corporal Samuel B. Henderson, Company I, Nineteenth Infantry, Corporal of the guard, sat in the entry of the guard house, engaged in playing cards with members of the guard. All this at Dover, Ark., on or about the Twenty-third day of July, 1868.”

PLEA.—*To the Specification to First Charge.*—“Guilty, except the words, ‘engaged in playing cards with members of the guard.’”

*To the First Charge.*—“Guilty.”

*To the Specification to Second Charge.*—"Guilty, except the words, 'engaged in playing cards with the enlisted men belonging to the guard.'"

*To the Second Charge.*—"Guilty."

**FINDING.**—*Of the Specification to First Charge.*—"Guilty."

*Of the First Charge.*—"Guilty."

*Of the Specification to Second Charge.*—"Guilty."

*Of the Second Charge.*—"Guilty."

**SENTENCE.**—"To be reduced to the ranks as a private sentinel; to be confined at hard labor in charge of the guard for three months, and to forfeit to the United States ten dollars of his pay per month for the same period."

2. Private DENIS CARROLL, Company E, Nineteenth Infantry.

**CHARGE.**—"Disobedience of orders."

*Specification.*—"In this, that he, Private Denis Carroll, Company E, Nineteenth Infantry, after hearing the following order published to the company, (E, Nineteenth Infantry,) viz:

'HEADQUARTERS, FORT SMITH, ARK.,  
September 26th, 1868.

'**CIRCULAR.**—All officers and men of this command are hereby prohibited from leaving the military reservation of this post from retreat this evening until reveille to-morrow morning.

'By order of Lieutenant Colonel P. Lugenbeel, Nineteenth Infantry:

(Signed.)

'J. G. LEEFE,

First Lieutenant, Adjutant, Nineteenth Infantry,

Brevet Captain, U. S. Army, Post Adjutant.'

did wilfully disobey said order, and did leave the military reservation of the post and remain absent until arrested by a patrol. All this at or near Fort Smith, Ark., on or about the Twenty-sixth day of September, 1868."

**PLEA.**—*To the Specification.*—"Guilty."

*To the Charge.*—"Guilty."

**FINDING.**—*Of the Specification.*—"Guilty."

*Of the Charge.*—"Guilty."

**SENTENCE.**—"To forfeit to the United States all pay and allowances now due or to become due, except the just dues of the laundry; to be confined at hard labor in charge of the guard until the Twenty-fourth day of May, 1869, and at the expiration of that time to be dishonorably discharged the military service of the United States."

3. Private WILLIAM GOLDEN, Company A, Nineteenth Infantry.

**CHARGE.**—"Disobedience of orders."

*Specification.*—"In this, that he, Private William Golden, Company A, Nineteenth Infantry, did wilfully disobey a positive order of his commanding officer, Lieutenant Colonel Pinckney Lugenbeel,

Nineteenth Infantry, that no officer or enlisted man belonging to the garrison of Fort Smith, should be absent after retreat on Saturday, September 26th, 1868. All this at Fort Smith, Ark., on or about September 26th, 1868."

PLEA.—*To the Specification.*—"Not Guilty."

*To the Charge.*—"Not Guilty."

FINDING.—*Of the Specification.*—"Guilty."

*Of the Charge.*—"Guilty."

SENTENCE.—"To forfeit to the United States all pay and allowances now due or to become due, except the just dues of the laundress, and to be dishonorably discharged the military service of the United States."

4. Private FREDERICK GERST, Company E, Nineteenth Infantry.

CHARGE 1ST.—"Disobedience of orders."

*Specification.*—"In this, that he, Private Frederick Gerst, E Company, Nineteenth Infantry, after hearing the following order published to the company, (E, Nineteenth Infantry), viz:

'HEADQUARTERS, FORT SMITH, ARK.,  
September, 26th, 1868.

'CIRCULAR.—All officers and men of this command are hereby prohibited from leaving the military reservation of this post from retreat this evening, until reveille to-morrow morning.

'By order of Lieutenant Colonel P. Lugenbeel, Nineteenth Infantry.  
(Signed,) J. G. LEEFE,

First Lieutenant and Adjutant, Nineteenth Infantry,  
Brevet Captain, U. S. Army, Post Adjutant.'

did wilfully disobey said order, and did leave the military reservation of the post, and remain absent until arrested by a patrol. All this at or near Fort Smith, Ark., on or about the Twenty-sixth day of September, 1868."

CHARGE 2D.—"Habitual drunkenness and general worthlessness as a soldier."

*Specification.*—"In this, that he, Private Frederick Gerst, E Company, Nineteenth Infantry, has, from the habitual use of intoxicating liquors, rendered himself unreliable and worthless as a soldier, and dangerous to the lives of men of his company. All this at or near Fort Smith, Ark., from December 4th, 1867, until September 26th, 1868."

PLEA.—*To the Specification to First Charge.*—"Not Guilty."

*To the First Charge.*—"Not Guilty."

*To the Specification to Second Charge.*—"Not Guilty."

*To the Second Charge.*—"Not Guilty."

FINDING.—*Of the Specification to First Charge.*—"Guilty."

*Of the First Charge.*—"Guilty."

*Of the Specification to Second Charge.*—"Guilty, except the words, 'and dangerous to the lives of men of his company.'"

*Of the Second Charge.*—"Guilty."

**SENTENCE.**—"To forfeit to the United States all pay and allowances now due or to become due, except the just dues of the laundress, and to be dishonorably discharged the military service of the United States."

5. Private **JEROME B. GREOTT**, Company E, Nineteenth Infantry.

**CHARGE 1ST.**—"Drunkenness on duty, in violation of the Forty-fifth Article of War."

*Specification.*—"In this, that he, Private Jerome B. Greott, Company E, Nineteenth Infantry, being on police duty, did become so drunk as to unfit him for the performance of his duties. All this at or near Fort Smith, Ark., on or about the Twenty-third day of September, 1868."

**CHARGE 2D.**—"Conduct to the prejudice of good order and military discipline."

*Specification.*—"In this, that he, Private Jerome B. Greott, Company E, Nineteenth Infantry, having been ordered by Sergeant George Edwards, Company E, Nineteenth Infantry, to go away from the guard house, did refuse to do so, and did reply 'I guess you will not hurt anybody,' or words to that effect. All this at or near Fort Smith, Ark., on or about the Twenty-third day of September, 1868."

**PLEA.**—*To the Specification to First Charge.*—"Not Guilty."

*To the First Charge.*—"Not Guilty."

*To the Specification to Second Charge.*—"Guilty."

*To the Second Charge.*—"Guilty."

**FINDING.**—*Of the Specification to First Charge.*—"Not Guilty."

*Of the First Charge.*—"Not Guilty."

*Of the Specification to Second Charge.*—"Guilty."

*Of the Second Charge.*—"Guilty."

**SENTENCE.**—"To be confined at hard labor in charge of the guard for the period of two months from the Second day of October, 1868, and to forfeit to the United States ten dollars of his pay per month for the same time."

## II. The proceedings and findings in the cases of—

Corporal Samuel B. Henderson, Company I, Nineteenth Infantry.

Private Denis Carroll, " E, " "

" Jerome B. Greott, " " " "

" William Golden, " A, " "

are approved. The sentence in the case of Private William Golden, Company A, Nineteenth Infantry, is confirmed and will be duly executed.

In the case of Corporal Henderson, so much of the sentence as provides that he be "reduced to the ranks as a private sentinel," is disapproved. The remainder is confirmed and will be duly executed.

In accordance with the recommendation of the Court, the sentence in the case of Private Carroll is mitigated to "confinement at hard labor in charge of the guard until the Thirty-first day of December, 1868, and forfeiture of ten dollars per month of his pay for the period of three months."

In the case of Private Jerome B. Greott, Company E, Nineteenth Infantry, the sentence is disapproved for the reason that the Court has improperly attempted to fix the date at which the confinement shall commence—before force and effect had been given to the sentence by the approval of the reviewing officer. He will be released from confinement and restored to duty.

The proceedings and findings in the case of Private Frederick Gerst, Company E, Nineteenth Infantry, upon the first charge and its specification, are approved. Upon the second charge and its specification they are disapproved, for the reason that no offence is named by the charge. The specification to the second charge would properly have supported a charge under the Ninety-ninth Article. The sentence is confirmed and will be duly executed.

BY COMMAND OF BREVET MAJOR GENERAL L. H. ROUSSEAU:

**THOS. H. NEILL,**

OFFICIAL: Major, Twentieth Infantry, Brevet Brigadier General, U. S. A.,  
Acting Assistant Adjutant General.

*Carroll* *Greott*  
Sec. Lieut., Thirty-seventh Inf., Bvt. First Lieut., U. S. A.,  
Acting Assistant Adjutant General.



## HEADQUARTERS, DEPARTMENT OF LOUISIANA,

GENERAL ORDERS }  
No. 23.

New Orleans, La., Oct. 26, 1868.

I. Before a General Court Martial which convened at Jackson Barracks, La., by virtue of Paragraph 1, Special Orders No. 33, current series, from these Headquarters, of which Lieutenant Colonel William H. Wood, First Infantry, is President, were arraigned and tried:

1. Sergeant JOHN KING, Company I, First Infantry.

CHARGE.—“Conduct prejudicial to good order and military discipline.”

*Specification First.*—“In this, that Sergeant John King, Company I, First Infantry, having been duly and regularly detailed as Sergeant of the guard, stationed over the magazine at Jackson Barracks, La., for the purpose of protecting and preserving the same, did withdraw, or cause, or permit to be withdrawn, without proper authority, the sentinel posted immediately over the entrance to the said magazine, without replacing him by another sentinel, and without taking any measures to do so, thus exposing the stores contained within the said magazine, to the possibility of destruction or theft, to the prejudice of good order and military discipline. This on or about the night of October 1st, 1868, between the hours of twelve and two o'clock.”

*Specification Second.*—“In this, that Sergeant John King, Company I, First Infantry, having withdrawn, or caused or permitted to be withdrawn, the sentinel stationed over the entrance to the magazine at Jackson Barracks, La., did permit the said sentinel, together with all the other members of the guard, to retire to the guard house, a distance of one hundred and fifty yards, more or less, from the said magazine, and lie down, with the evident purpose of going to sleep, to the prejudice of good order and military discipline. This on or about the night of October 1st, 1868, between the hours of twelve and two o'clock.”

*Specification Third.*—“In this, that Sergeant John King, Company I, First Infantry, having been regularly detailed and placed on duty as Sergeant of the magazine guard at Jackson Barracks, La., and having permitted the said guard all to lie down within the guard house, with the apparent purpose of sleeping, did, when the said guard was visited by the Officer of the Day, First Lieutenant William E. Dougherty, First Infantry, present himself before the guard house, to the Officer of the Day, without his shoes, and when ordered

by the Officer of the Day to proceed to the main guard house, within the garrison, did say, 'wait for the other sentinel who is on post, or words of similar import, with the evident intention of deceiving the Officer of the Day, he, the said Sergeant John King, well knowing that no sentinel was on post from his guard. This on or about the night of October 1st, 1868, between twelve and two o'clock."

PLEA.—*To the First Specification.*—"Not Guilty."

*To the Second Specification.*—"Not Guilty."

*To the Third Specification.*—"Guilty, except the words, 'having permitted the said guard to lie down,' and the words, 'he, the said Sergeant John King, well knowing that no sentinel was on post from his guard.'"

*To the Charge.*—"Not Guilty."

FINDING.—*Of the First Specification.*—"Guilty."

*Of the Second Specification.*—"Guilty."

*Of the Third Specification.*—"Guilty."

*Of the Charge.*—"Guilty."

SENTENCE.—"To be reduced to the grade of a private. The Court is thus lenient in consideration of the previous good conduct of the accused, as shown by the testimony in his case."

2. Private JOSEPH GRANT, Company A, First Infantry.

CHARGE.—"Violation of the Forty-fifth Article of War."

*Specification.*—"In this, that Private Joseph Grant, Company A, First Infantry, having been duly and regularly detailed a member of the guard, and mounted at Headquarters, Department of Louisiana, did become so drunk as to render him unfit to perform the duties of a sentinel. This at New Orleans, La., on or about the Tenth day of September, 1868."

PLEA.—*To the Specification.*—"Not Guilty."

*To the Charge.*—"Not Guilty."

FINDING.—*Of the Specification.*—"Guilty."

*Of the Charge.*—"Guilty."

SENTENCE.—"To be confined at hard labor in charge of the guard for the period of three months."

3. Private HENRY STEVENS, Company C, First Infantry.

CHARGE.—"Violation of the Forty-sixth Article of War."

*Specification.*—"In this, that Private Henry Stevens, Company C, First Infantry, being a member of the guard, mounted at Sedgwick Barracks, Greenville, La., on the evening of August 21st, 1868, and being duly posted as a sentinel at, or about half-past two o'clock, A. M., on the following day, did fall asleep on his post, in which condition he was found at or about four o'clock, A. M., August 22d, 1868. All this at Sedgwick Barracks, Greenville, La., on or about the above given dates."



PLEA.—*To the Specification.*—"Not Guilty."

*To the Charge.*—"Not Guilty."

FINDING.—*Of the Specification.*—"Not Guilty."

*Of the Charge.*—"Not Guilty."

"And the Court does therefore acquit him."

4. Private HENRY MOLHMAN, Company C, First Infantry.

CHARGE.—"Violation of the Forty-sixth Article of War."

*Specification.*—"In this, that Private Henry Molhman, Company C, First Infantry, being a member of the guard mounted at Sedgwick Barracks, Greenville, La., on the evening of August 21st, 1868, and being duly posted as a sentinel, at or about half-past two o'clock, A. M., on the following day, did fall asleep on his post, in which condition he was found, at or about four o'clock, A. M., August 22d, 1868. All this at Sedgwick Barracks, Greenville, La., on or about the above given dates."

PLEA.—*To the Specification.*—"Not Guilty."

*To the Charge.*—"Not Guilty."

FINDING.—*Of the Specification.*—"Guilty."

*Of the Charge.*—"Guilty."

SENTENCE.—"To be confined at hard labor for the period of three months, and to forfeit ten dollars per month of his monthly pay for the same period."

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II. Before a General Court Martial which convened at Baton Rouge, La., by virtue of Paragraph 3, Special Orders No. 115, dated Headquarters, Fifth Military District, New Orleans, La., May 26th, 1868, of which Brevet Major General George Sykes, Colonel, Twentieth Infantry, is President, were arraigned and tried.

1. Private ROBERT D. DAVIDSON, Company E, Fourth Cavalry.

CHARGE 1ST.—"Violation of the Fiftieth Article of War."

*Specification.*—"In this, that Private Robert D. Davidson, Company E, Fourth Cavalry, being at the time a member of a guard, duly mounted, did, without authority, absent himself from the guard tent, between the hours of ten and eleven o'clock, P. M. This at camp of Company E, Fourth Cavalry, near Monroe, La., on or about the Twenty-sixth day of July, 1868, at the hours above mentioned."

CHARGE 2D.—"Violation of the Thirty-eighth Article of War."

*Specification.*—"In this, that Private Robert D. Davidson, Company E, Fourth Cavalry, being at the time a member of the camp guard, did, without authority, take away from the guard tent his Spencer carbine, and did dispose of or lose the same. This at the camp of Company E, Fourth Cavalry, near Monroe, La., on or about the Twenty-sixth day of July, 1868."

CHARGE 3D.—“Conduct prejudicial to good order and military discipline.”

*Specification.*—“In this, that Private Robert D. Davidson, Company E, Fourth Cavalry, being at the time a member of the camp guard, did, without authority, absent himself from the guard tent, and did proceed to the stables of Company E, Fourth Cavalry, and did break the lock on the stable door, and was discovered by Sergeant Knippenberger (who was at the time Sergeant of the guard) moving about inside the stable in a suspicious manner, evidently trying to steal a horse. This at camp of Company E, Fourth Cavalry, near Monroe, La., on or about the Twenty-sixth day of July, 1868.”

PLEA.—*To the Specification to First Charge.*—“Not Guilty.”

*To the First Charge.*—“Not Guilty.”

*To the Specification to Second Charge.*—“Not Guilty.”

*To the Second Charge.*—“Not Guilty.”

*To the Specification to Third Charge.*—“Not Guilty.”

*To the Third Charge.*—“Not Guilty.”

FINDING.—*Of the Specification to First Charge.*—“Guilty.”

*Of the First Charge.*—“Guilty.”

*Of the Specification to Second Charge.*—“Guilty.”

*Of the Second Charge.*—“Guilty.”

*Of the Specification to Third Charge.*—“Guilty, except the words, ‘and did break the lock on the stable door.’”

*Of the Third Charge.*—“Guilty.”

SENTENCE.—“To forfeit all pay and allowances that are now or may become due him; to be dishonorably discharged the service of the United States; and to be confined at hard labor at such military prison as the Commanding General may designate for the period of two years.”

2. Private MICHAEL MANGEM, Company E, Fourth Cavalry.

CHARGE.—“Sleeping on post.”

*Specification.*—“In this, that he, Private Michael Mangem, Company E, Fourth Cavalry, being at the time a member of a guard, duly mounted, and posted as a sentinel over the commanding officer’s quarters, did lie down on his beat and go to sleep, and did remain asleep until awakened by Corporal Guthridge when posting the relief. This at Monroe, La., between the hours of ten, P. M., and twelve, M., midnight, on the Twenty-second September, 1868.”

PLEA.—*To the Specification.*—“Not Guilty.”

*To the Charge.*—“Not Guilty.”

FINDING.—*Of the Specification.*—“Guilty.”

*Of the Charge.*—“Guilty.”

SENTENCE.—“To forfeit to the United States twelve dollars of his

monthly pay per month for six months; and to be confined at hard labor in charge of the guard, with a ball and chain on his left leg, for the same period."

3. Private FRITZ HABER, Company G, Twentieth Infantry.

CHARGE 1ST.—"Desertion."

*Specification.*—"In this, that he, Private Fritz Haber, Company G, Twentieth Infantry, having been duly enlisted as a soldier in the service of the United States, did desert said service at New Orleans, La., on or about the Sixth day of April, 1857, and did remain absent until apprehended on or about the Fourteenth day of August, 1863, at Jackson Barracks, New Orleans, La. A reward of Thirty dollars paid for his apprehension."

CHARGE 2D.—"Violation of the Twenty-second Article of War."

*Specification.*—"In this, that he, Private Fritz Haber, Company G, Twentieth Infantry, did, without being regularly discharged from said company and regiment, enlist in Company I, First Infantry, at New Orleans, La., on the Tenth day of December, 1867."

PL.F.A.—*To the Specification to First Charge.*—"Not Guilty."

*To the First Charge.*—"Not Guilty."

*To the Specification to Second Charge.*—"Guilty."

*To the Second Charge.*—"Guilty."

FIND AG.—*Of the Specification to First Charge.*—"Guilty."

*Of the First Charge.*—"Guilty."

*Of the Specification to Second Charge.*—"Guilty."

*Of the Second Charge.*—"Guilty."

SENTENCE.—"To forfeit all pay and allowances now due or that may become due him; to be dishonorably discharged and drummed out of the service of the United States; to be indelibly marked on the left hip with the letter 'D,' three inches long, and to be confined at hard labor at such military prison as the Commanding General may designate for the period of three years."

4. Private SAMUEL KELM, Company B, Twentieth Infantry.

CHARGE.—"Conduct to the prejudice of good order and military discipline."

*Specification First.*—"In this, that he, Private Samuel Kelm, B Company, Twentieth Infantry, was drunk and disorderly in the camp of his company, B, Twentieth Infantry, near Alexandria, La., on or about the Fourteenth day of September, 1868."

*Specification Second.*—"In this, that he, Private Samuel Kelm, B Company, Twentieth Infantry, while in a state of intoxication, did strike with his fist Corporal Henry C. Owen, B Company, Twentieth Infantry, on or about the Fourteenth day of September, 1868, at the camp of B Company, Twentieth Infantry, near Alexandria, La., he, the said Corporal Henry C. Owen, B Company, Twentieth Infantry, being at the time in the execution of his office."

PLEA.—*To the First Specification.*—"Guilty."

*To the Second Specification.*—"Not Guilty."

*To the Charge.*—"Guilty."

FINDING.—*Of the First Specification.*—"Guilty."

*Of the Second Specification.*—"Guilty, except the word 'fist,' substituting therefor the word 'hand.'"

*Of the Charge.*—"Guilty."

SENTENCE.—"To forfeit to the United States twelve dollars of his monthly pay per month for three months; and to carry a knapsack weighing twenty-five pounds from eight o'clock, A. M., to five o'clock, P. M., daily, with an interval of half an hour for each meal, for the same period."

5. Private MICHAEL McLAUGHLIN, Company E, Twentieth Infantry.

CHARGE.—"Sleeping on post—in violation of the Forty-sixth Article of War."

*Specification.*—"In this, that he, Private Michael McLaughlin, Company E, Twentieth Infantry, being a member of the guard, and duly posted as a sentinel, did sleep on post. This at the United States Barracks, at or near Baton Rouge, La., at or about ten o'clock, A. M., September 15th, 1868."

PLEA.—*To the Specification.*—"Not Guilty."

*To the Charge.*—"Not Guilty."

FINDING.—*Of the Specification.*—"Guilty."

*Of the Charge.*—"Guilty."

SENTENCE.—"To forfeit twelve dollars of his pay per month for six months; and to be confined at hard labor in charge of the guard, with a ball and chain on his left leg, for the same period."

6. Private JOHN LEARY, Company E, Fourth Cavalry.

CHARGE.—"Desertion."

*Specification.*—"In this, that he, Private John Leary, Company E, Fourth Cavalry, having been duly enlisted into the service of the United States, by Captain Mix, November 21st, 1865, did desert the same on or about the Eighteenth day of May, 1866, at or near Victoria, Texas, and remain absent until arrested in New Orleans, La., May 2d, 1868."

PLEA.—*To the Specification.*—"Guilty."

*To the Charge.*—"Guilty."

FINDING.—*Of the Specification.*—"Guilty."

*Of the Charge.*—"Guilty."

SENTENCE.—"To have his head shaved and be dishonorably discharged and drummed out of the service of the United States; to forfeit all pay and allowances that are now or may become due him; to be indelibly marked on the left hip with the letter 'D,' three inches long; and to be confined at hard labor at such military prison as the Commanding General may designate for three years."

7. Private JOHN O'DONNELL, Company H, Twentieth Infantry.

CHARGE.—“Desertion.”

*Specification.*—“In this, that he, Private John O'Donnell, Company H, Twentieth Infantry, a duly enlisted soldier in the service of the United States, did desert said service at Shreveport, La., on or about the Twenty-ninth day of July, 1868, and did remain absent until the First day of August, 1868, when he was returned under guard, having surrendered himself to the military authorities at Marshall, Texas.”

PLEA.—*To the Specification.*—“Not Guilty.”

*To the Charge.*—“Not Guilty.”

FINDING.—*Of the Specification.*—“Guilty.”

*Of the Charge.*—“Guilty.”

SENTENCE.—“To be dishonorably discharged and drummed out of the service of the United States; to forfeit all pay and allowances that are now or may become due him; to be indelibly marked on the left hip with the letter ‘D,’ three inches long; and to be confined at hard labor at such military prison as the Commanding General may designate for three years.”

8. Private JACOB ULSHE, Company D, Twentieth Infantry.

CHARGE.—“Desertion.”

*Specification.*—“In this, that he Private Jacob Ulshe, Company D, Twentieth Infantry, a duly enlisted soldier in the service of the United States, did desert his company and post at Shreveport, La., on the Tenth day of August, 1868, and did remain absent until the Fourteenth day of August, 1868, when he was returned under guard of the city police, having been apprehended by the city police, in or near Shreveport, La. Vouchers issued for payment of reward for apprehension.”

PLEA.—*To the Specification.*—“Not Guilty.”

*To the Charge.*—“Not Guilty.”

FINDING.—*Of the Specification.*—“Guilty, except the word ‘desert,’ substituting therefor the word ‘leave.’”

*Of the Charge.*—“Not Guilty, but guilty of absence without leave.”

SENTENCE.—“To refund the expenses incurred by his apprehension, and to forfeit fifteen dollars of his monthly pay for one month.”

9. Private GEORGE THOMPSON, Company D, Twentieth Infantry.

CHARGE.—“Desertion.”

*Specification.*—“In this, that he, Private George Thompson, Company D, Twentieth Infantry, a duly enlisted soldier in the service of the United States, did desert his company and post at Shreveport, La., on the Tenth day of August, 1868, and did remain absent until the Fourteenth day of August, 1868, when he was returned under

guard of the city police, having been apprehended by the city police, in or near Shreveport, La. Vouchers issued for payment of reward for apprehension."

**PLEA.**—*To the Specification.*—"Not Guilty."

*To the Charge.*—"Not Guilty."

**FINDING.**—*Of the Specification.*—"Guilty, except the word 'desert,' substituting therefor the word 'leave.'"

*Of the Charge.*—"Not Guilty, but guilty of absence without leave."

**SENTENCE.**—"To refund the expenses incurred by his apprehension, and to forfeit fifteen dollars of his monthly pay for one month."

III. The proceedings and findings in the foregoing cases are approved. The sentences in the cases of—

Sergeant John King, Company I, First Infantry,

Private Joseph Grant, " A, "

" Henry Mohlman, " C, "

" Samuel Kelm, " B, Twentieth Infantry.

" Fritz Haber, " G, "

" Michael Mangem, " E, Fourth Cavalry,

" John Leary, " E, "

" Robt. D. Davidson, " " " are confirmed

and will be duly executed. In the cases of Privates Fritz Haber, Company G, Twentieth Infantry, John Leary and Robert D. Davidson, Company E, Fourth Cavalry, Ship Island, Miss., is designated as the place of confinement.

Private Henry Stevens, Company C, First Infantry, having been acquitted, will be released and restored to duty.

Upon the recommendation to clemency by the Court, so much of the sentence in the case of Private John O'Donnelli, Company H, Twentieth Infantry, as provides that he be confined, is remitted. The remainder is confirmed and will be duly executed.

Upon a similar recommendation in the case of Private Michael McLaughlin, Company E, Twentieth Infantry, the sentence is mitigated to a forfeiture of six dollars per month of his pay for six months. He will be released and restored to duty.

In the cases of Privates Jacob Ulshe, Company D, Twentieth Infantry, and George Thompson, Company D, Twentieth Infantry, so much of the sentences as provides that they refund the expenses incurred for their apprehension as deserters, is remitted. The remainder is confirmed and will be duly executed.

"Where certain men, returned to their regiments as deserters, were thereupon tried by court martial, acquitted of desertion, and

found guilty of *absence without leave* only—*held*, that a stoppage against their pay for the amount of certain charges, incurred in apprehending them as being deserters, would be without legal sanction; they being, upon such acquittal, liable to none of the consequences resulting by operation of law from the commission or conviction of the specific crime of desertion. That the government, upon imperfect evidence of the facts, may have allowed and paid these expenses to the officer making the arrest, constitutes no reason for requiring their payment of the soldier after he has been judicially pronounced *not guilty* of the charge upon which he was apprehended.”—(*See Digest of the opinions of the Judge Advocate General, page 363, sec. 4.*)

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IV. The General Court Martial instituted by Paragraph 3, Special Orders No. 115, dated Headquarters, Fifth Military District, New Orleans, La., May 26th, 1868, of which Brevet Major General George Sykes, Colonel, Twentieth Infantry, is President, is dissolved.

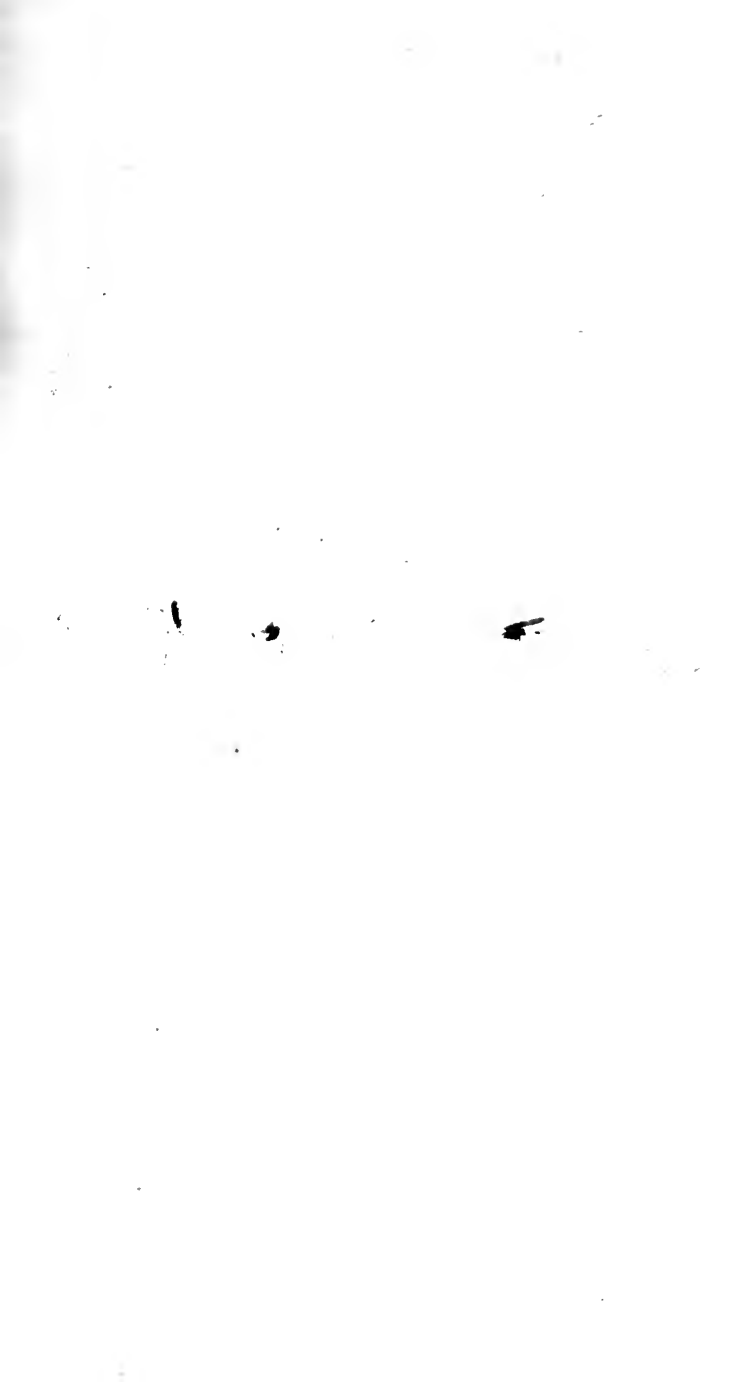
BY COMMAND OF BREVET MAJOR GENERAL L. H. ROUSSEAU:

THOS. H. NEILL,

Major, Twentieth Infantry, Brevet Brigadier General, U. S. A.,  
Acting Assistant Adjutant General.

OFFICIAL

*Camille Dubauk*  
Sec. Lieut., Thirty-seventh Inf., Bvt. First Lieut., U. S. A.,  
Acting Assistant Adjutant General.





HEADQUARTERS, DEPARTMENT OF LOUISIANA,

GENERAL ORDERS }  
NO. 24.

New Orleans, La., Oct. 30, 1868.

1. Before a General Court Martial which convened at Ship Island, Miss., by virtue of Paragraph 3, Special Orders No. 46, current series, from these Headquarters, of which Brevet Major General Joseph A. Mower, Colonel, Thirty-ninth Infantry, is President, were arraigned and tried:

1 Private JOHN HARLING, Company B, Thirty-ninth Infantry.

CHARGE.—“Sleeping on post.”

*Specification.*—“In this, that Private John Harling, Company B, Thirty-ninth Infantry, having been duly posted as a sentinel, was found sleeping on his post, when visited by the Officer of the Day, Brevet Major M. L. Courtney, First Lieutenant, Thirty-ninth Infantry. This at Ship Island, Miss., on or about the Twenty-third day of August, 1868, between the hours of four and six o'clock, A. M.”

PLEA.—*To the Specification.*—“Not Guilty.”

*To the Charge.*—“Not Guilty.”

FINDING.—*Of the Specification.*—“Guilty.”

*Of the Charge.*—“Guilty.”

SENTENCE.—“To be confined at hard labor at the post where his company is serving, for the period of two months, and to forfeit to the United States, ten dollars per month of his monthly pay for the same period.”

2. Private WESLEY JACKSON, Company H, Thirty-ninth Infantry.

CHARGE.—“Sleeping on post.”

*Specification.*—“In this, that Private Wesley Jackson, Company H, Thirty-ninth Infantry, having been duly posted as a sentinel, was found sleeping on his post, when visited by the Officer of the Day, Brevet Major M. L. Courtney, First Lieutenant, Thirty-ninth Infantry. This at Ship Island, Miss., on or about the Twenty-third day of August, 1868, between the hours of four and six o'clock, A. M.”

PLEA.—*To the Specification.*—“Not Guilty.”

*To the Charge.*—“Not Guilty.”

FINDING.—*Of the Specification.*—“Guilty.”

*Of the Charge.*—“Guilty.”

SENTENCE.—“To be confined at hard labor at the post where his company may be serving for the period of two months, and to forfeit to the United States ten dollars per month of his monthly pay for the same period.”

II. Before a General Court Martial which convened at Jackson Barracks, La., by virtue of Paragraph 1, Special Orders No. 33, current series, from these Headquarters, of which Lieutenant Colonel William H. Wood, First Infantry, is President, were arraigned and tried:

1. Sergeant GEORGE W. WHITE, Company K, First Infantry.

CHARGE.—“Neglect of duty, to the prejudice of good order and military discipline.”

*Specification.*—“In this, that Sergeant George W. White, Company K, First Infantry, having been duly detailed as such, and at the time being Sergeant of the guard mounted at Sedgwick Barracks, Greenville, La., did allow Privates Norris, of the Second Infantry, and Bodell, of the Fifteenth Infantry—general prisoners—to escape from the guard house at Sedgwick Barracks. This at Sedgwick Barracks, Greenville, La., on or about the Twenty-sixth day of August, 1868.”

PLEA.—*To the Specification.*—“Not Guilty.”

*To the Charge.*—“Not Guilty.”

FINDING.—*Of the Specification.*—“Not Guilty.”

*Of the Charge.*—“Not Guilty, and the Court does therefore acquit him.”

2. Private RODY COX, Company C, First Infantry.

CHARGE.—“Neglect of duty, to the prejudice of good order and military discipline.”

*Specification.*—“In this, that Private Rody Cox, Company C, First Infantry, having been duly detailed and mounted as a member of the guard, on the evening of the Twenty-sixth of August, 1868, and while on post as a sentinel of such guard at post No. 1, did allow Privates Norris, of the Second Infantry, and Bodell, of the Fifteenth Infantry—general prisoners—to escape from the guard house under his charge. This at Sedgwick Barracks, Greenville, La., on the Twenty-sixth of August, 1868.”

PLEA.—*To the Specification.*—“Not Guilty.”

*To the Charge.*—“Not Guilty.”

FINDING.—*Of the Specification.*—“Not Guilty.”

*Of the Charge.*—“Not Guilty, and the Court does therefore acquit him.”

3. Private CARL GERLACH, Company G, First Infantry.

CHARGE.—“Violation of the Forty-sixth Article of War.”

*Specification.*—“In this, that Private Carl Gerlach, Company G, First Infantry, having been regularly detailed for guard, and posted as a sentinel on post No. 5, in charge of a general prisoner under sentence, and sick in the post hospital, was found by the Officer of the Day, between the hours of 12:30 and 1:30, A. M., on

the Eleventh of October, 1868, asleep on his post. This at Sedgwick Barracks, Greenville, La., on or about the date above stated."

PLEA.—*To the Specification.*—"Guilty."

*To the Charge.*—"Guilty."

FINDING.—*Of the Specification.*—"Guilty."

*Of the Charge.*—"Guilty."

SENTENCE.—"To be confined at hard labor in charge of the guard for the period of three months, and to forfeit ten dollars of his monthly pay per month for the same period."

4. Private JOHN KISE, Company G, Sixth Cavalry.

CHARGE 1ST.—"Absence without leave."

*Specification First.*—"In this, that Private John Kise, Company G, Sixth Cavalry, did, without proper authority, absent himself from the quarters of his company on the Twenty-first day of September, 1868, and did remain absent till the Twenty-second day of September, 1868, when he returned. This at New Orleans, La."

*Specification Second.*—"In this, that Private John Kise, Company G, Sixth Cavalry, did, without proper authority, absent himself from the quarters of his company on the First day of October, 1868, and remained absent until the Third day of October, 1868, when he was arrested by a non-commissioned officer detailed for the purpose. This at New Orleans, La."

CHARGE 2D.—"Conduct to the prejudice of good order and military discipline."

*Specification.*—"In this, that Private John Kise, Company G, Sixth Cavalry, while under charge of a guard awaiting trial, did escape and absent himself from said guard on the Fifth day of October, 1868, and did remain absent till the Eighth day of October, 1868, when he was arrested by First Lieutenant Henry B. Mellen, Sixth Cavalry, and brought into camp. This at New Orleans, La."

PLEA.—*To the First Specification to First Charge.*—"Guilty."

*To the Second Specification to First Charge.*—"Guilty."

*To the First Charge.*—"Guilty."

*To the Specification to Second Charge.*—"Guilty."

*To the Second Charge.*—"Guilty."

FINDING.—*Of the First Specification to First Charge.*—"Guilty."

*Of the Second Specification to First Charge.*—"Guilty."

*Of the First Charge.*—"Guilty."

*Of the Specification to Second Charge.*—"Guilty."

*Of the Second Charge.*—"Guilty."

SENTENCE.—"To forfeit ten dollars of his monthly pay per month for the period of three months, and to be confined at hard labor in charge of the guard for the same period."

5. Private SAMUEL NORRIS, Light Battery K, First Artillery.

CHARGE —“ Neglect of duty, to the prejudice of good order and military discipline.”

*Specification.*—“ In this, that Private Sannel Norris, Light Battery K, First Artillery, having been placed upon extra duty as an Assistant Engineer in the Quartermaster's Department, at Sedgwick Barracks, Greenville, La., and having been ordered by First Lieutenant George Asbury, First Artillery, Acting Assistant Quartermaster, post of New Orleans, La., to occupy at night the engineer's office, (a frame building contiguous to the government dock and the government steam engine house, at Greenville, La.,) and to act as a watchman there at night over all public property for which he, the said First Lieutenant George Asbury, First Artillery, was responsible as Post Quartermaster, in that immediate vicinity, in shape of the steam engine, the government dock and the fixtures thereto belonging, did neglect the said duty, and did allow a certain quantity of the copper supply pipe—sixty feet, more or less—attached to the government dock, and valued at five hundred dollars—more or less—to be stolen therefrom. This at or near Sedgwick Barracks, Greenville, La., on or about the Seventeenth and Eighteenth of July, 1868, between the hours of retreat and reveille.”

PLEA.—*To the Specification.*—“ Not Guilty.”

*To the Charge.*—“ Not Guilty.”

FINDING.—*Of the Specification.*—“ Not Guilty.”

*Of the Charge.*—“ Not Guilty, and the Court does therefore acquit him.”

6. Private THEODORE VAN CLASBURG, Company A, First Infantry.

CHARGE.—“ Conduct to the prejudice of good order and military discipline.”

*Specification First.*—“ In this, that Private Theodore Van Clasburg, Company A, First Infantry, in conjunction with Private Peter Hesse, Light Battery K, First Artillery, did feloniously enter the United States Bakery of the post of New Orleans, La., and did steal, take and carry away therefrom one barrel of flour, the property of the United States, for which he, Private Theodore Van Clasburg, Company A, First Infantry, in conjunction with Private Peter Hesse, Light Battery K, First Artillery, did receive a certain amount of money, which he appropriated to his or their own use. This at New Orleans, La., on or about the Twenty-sixth day of June, 1868.”

*Specification Second.*—“ In this, that Private Theodore Van Clasburg, Company A, First Infantry, in conjunction with Private Peter Hesse, Light Battery K, First Artillery, did feloniously enter the United States Bakery of the post of New Orleans, La., and steal, take and carry away therefrom one barrel of flour, the property of the United States, for which he, Private Theodore Van Clasburg,

Company A, First Infantry, in conjunction with Private Peter Hesse, Light Battery K, First Artillery, did receive a certain amount of money which he wrongfully appropriated to his or their own use. This at New Orleans, La., on or about the First day of May, 1868."

*Specification Third.*—"In this, that Private Theodore Van Clasburg, Company A, First Infantry, while on duty at the United States Bakery of the post of New Orleans, La., did feloniously steal, take and cause to be carried away two wagon loads of wood, the property of the United States, which he wrongfully appropriated to his own use. This at New Orleans, La., on or about the Twenty-eighth day of May, 1868."

*Specification Fourth.*—"In this, that Private Theodore Van Clasburg, Company A, First Infantry, while in charge of the Post Bakery at New Orleans, La., did without proper authority, sell to one Mr. Wintship, two wagon loads of wood, he Private Theodore Van Clasburg, knowing the same to be the property of the United States, and did receive in payment therefor, a sum of money, which he Private Theodore Van Clasburg, Company A, First Infantry, appropriated to his own use. This at New Orleans, La., on or about the Twenty-fifth day of May, 1868."

*Specification Fifth.*—"In this, that Private Theodore Van Clasburg, Company A, First Infantry, while in charge of the Post Bakery of New Orleans, La., did, in conjunction with Private Peter Hesse, Light Battery K, First Artillery, and without proper authority, sell to one Henry Wentzel, one barrel of flour, he, Private Theodore Van Clasburg, knowing the same to be the property of the United States, and did receive in payment therefor a sum of money, which he, Private Theodore Van Clasburg, Company A, First Infantry, in conjunction with Private Peter Hesse, Light Battery K, First Artillery, did appropriate to his or their own use. This at New Orleans, La., on or about the Twenty-sixth day of June, 1868."

*Specification Sixth.*—"In this, that Private Theodore Van Clasburg, Company A, First Infantry, while in charge of the Post Bakery of New Orleans, La., did in conjunction with Private Peter Hesse, Light Battery K, First Artillery, sell to one Wendelin Heider, one barrel of flour, he, Private Theodore Van Clasburg, knowing the same to be the property of the United States, and did receive in payment therefor a sum of money, which he, Private Theodore Van Clasburg, in conjunction with Private Peter Hesse, Light Battery K, First Artillery, appropriated to his or their own use. This at New Orleans, La., on or about the First day of May, 1868."

**PLEA.**—*To the First Specification.*—"Not Guilty."

*To the Second Specification.*—"Not Guilty."

*To the Third Specification.*—"Not Guilty."

*To the Fourth Specification.*—"Not Guilty."

*To the Fifth Specification.*—"Not Guilty."

*To the Sixth Specification.*—"Not Guilty."

*To the Charge.*—"Not Guilty."

FINDING.—*Of the First Specification.*—"Not Guilty."

*Of the Second Specification.*—"Not Guilty."

*Of the Third Specification.*—"Not Guilty."

*Of the Fourth Specification.*—"Not Guilty."

*Of the Fifth Specification.*—"Not Guilty."

*Of the Sixth Specification.*—"Not Guilty."

*Of the Charge.*—"Not Guilty, and the Court does therefore acquit him."

### III. The proceedings, findings and sentences in the cases of—

Privates John Harling, Company B, and Wesley Jackson, Company H, Thirty-ninth Infantry, are approved. In accordance with the recommendation of the Court, based upon the fact that the prisoners have already been confined for two months, awaiting trial, so much of the sentences as provides that they be confined is remitted. The remainder is confirmed and will be duly executed. They will be released and restored to duty.

The proceedings, findings and acquittals in the cases of—

Sergeant George W. White, Company K, First Infantry,

Private Rody Cox, Company C, First Infantry,

" Theodore Van Clasburg, Company A, First Infantry,

" Samuel Norris, Light Battery K, First Artillery, are approved. They will be released and restored to duty.

The proceedings and findings in the case of—

Private John Kise, Company G, Sixth Cavalry, are approved. The sentence is confirmed and will be duly executed.

The proceedings, findings and sentence in the case of Private Carl Gerlach, Company G, First Infantry, are approved, but in accordance with a recommendation to clemency by the Court, based upon "the mitigating circumstances of the case and his previous good character," so much of the sentence as provides that he be confined is remitted. The remainder is confirmed and will be duly executed. He will be released and restored to duty.

BY COMMAND OF BREVET MAJOR GENERAL L. H. ROUSSEAU:

THOS. H. NEILL,

Major, Twentieth Infantry, Brevet Brigadier General U. S. A.,  
Acting Assistant Adjutant General.

OFFICIAL:

*Samuel Dubauk*  
Sec. Lieut., Thirty-seventh Inf., Bvt. First Lieut., U. S. A.,  
Acting Assistant Adjutant General.

HEADQUARTERS, DEPARTMENT OF LOUISIANA,

GENERAL ORDERS }  
No. 25.

*New Orleans, La., Nov. 5, 1868.*

Upon the recommendation of Brevet Major General R. C. Buchanan, U. S. Army, and upon the receipt of a communication from the Secretary of War enclosing opinion from the Judge Advocate General, General Orders No. 7, current series, from these Headquarters, is revoked, except that portion which requires that the order appointing a Regimental or Garrison Court Martial, shall state that it was impracticable to convene a Field Officer's Court; and the sentences in the cases of Privates Daniel Gorman, Company G, James Farley, Company K, and Frederick Browning, Company K, all of the First Infantry, are remitted.

Under instructions from the Secretary of War, hereafter, only the oath as member will be administered to the Recorder of a Regimental or Garrison Court Martial.

BY COMMAND OF BREVET MAJOR GENERAL L. H. ROUSSEAU:

**THOS. H. NEILL,**

Major, Twentieth Infantry, Brevet Brigadier General, U. S. A.,  
Acting Assistant Adjutant General.

OFFICIAL:

*Cathaniel Dubau*  
Sec. Lieut., Thirty-seventh Inf., Bvt. First Lieut., U. S. A.,  
Acting Assistant Adjutant General.











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